

ATTACHMENT 12

Proposed Draft Amended County LUDC with Track Changes



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Land Use & Development Code



Updated August 2019

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NOTES:

This document is updated on a periodic basis in order to include amendments adopted by the Board of Supervisors. Recently adopted amendments may not yet be incorporated into this copy. Please check with the Planning and Development Department Zoning Information Counter located at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, for information on amendments approved subsequent to the date shown on the front of this publication.

August 2008 Replacement Pages

The following replacement pages were published in August 2008 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No.4680 (Case No. 08ORD-00000-00006, adopted 07/15/2008) Permit Downshifting.

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August 2009 Replacement Pages

The following replacement pages were published in August 2009 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4714 (Case No. 09ORD-00000-00001, adopted 07/07/2009) Solar Energy Systems.

Ordinance No. 4718 (Case No. 09ORD-00000-00005, adopted 07/07/2009) Noticing Procedures.

Ordinance No. 4722 (Case No. 09ORD-00000-00008, adopted 07/14/2009) Permit Time Extensions.

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August 2011 Republished Development Code

The Development Code was republished in its entirety in August 2011 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No.	Case No.	Date of Adoption	Subject
4686	08ORD-00000-00008	09/16/2008	Naples Transfer of Development Rights
4692	08ORD-00000-00009	10/02/2008	Naples Townsite Zone
4729	09ORD-00000-00010	10/06/2009	Santa Ynez Valley Community Plan
4750	09ORD-00000-00009	06/01/2010	Agricultural Permit Streamlining
4777	10ORD-00000-00003	12/14/2010	Small Wind Energy Systems
4779	08ORD-00000-00011	02/15/2011	Los Alamos Community Plan
4787	11ORD-00000-00005	05/17/2011	Commercial Telecommunications Facilities

December 2011 Republished Development Code

The Development Code was republished in its entirety in December 2011 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No.	Case No.	Date of Adoption	Subject
4806	11ORD-00000-00029	11/01/2011	Medical Marijuana Dispensary Storefronts
4809	11ORD-00000-00012	11/01/2011	General Package Ordinance Amendments
4813	11ORD-00000-00024	12/06/2011	Economic Hardship Ordinance Amendment
4817	09ORD-00000-00022	12/06/2011	Hydraulic Fracturing of New or Existing Oil/Gas Wells

April 2012 Replacement Pages

The following replacement pages were published in April 2012 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4828 (Case No. 11ORD-00000-00017, adopted 03/13/2012) Mobilehome Park Closures.

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June 2013 Replacement Pages

The following replacement pages were published in June 2013 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the affected Development Code sections.

Ordinance No. 4851 (Case No. 12ORD-00000-00011, adopted 04/09/2013) Agricultural Buffers.

Ordinance No. 4856 (Case No. 13ORD-00000-00002, adopted 06/04/2013) Cottage Food Operations.

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June 2014 Replacement Pages

The following replacement pages were published in June 2014 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors and to correct minor formatting errors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4880 (Case No. 11ORD-00000-00032, adopted 04/01/2014) Mission Canyon Community Plan.

Ordinance No. 4882 (Case No. 13ORD-00000-00008, adopted 04/15/2014) 2013 General Package.

Ordinance No. 4886 (Case No. 14ORD-00000-00001, adopted 05/06/2014) Summerland Community Plan Update.

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October 2014 Replacement Pages

The following replacement pages were published in October 2014 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4894 (Case No. 11ORD-00000-00016, adopted 07/08/2014) Agricultural Processing.

Ordinance No. 4900 (Case No. 10ORD-00000-00001, adopted 10/07/2014) Cuyama Solar Facility.

Ordinance No. 4901 (Case No. 14ORD-00000-00007, adopted 10/07/2014) Summerland Community Plan Update.

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December 2015 Replacement Pages

The following replacement pages were published in December 2015 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4940 (Case No. 11ORD-00000-00015, adopted 10/20/2015) Eastern Goleta Valley Community Plan.

Ordinance No. 4944 (Case No. 15ORD-00000-00012, adopted 11/03/2015) 2015 Housing Element Implementation.

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June 2016 Replacement Pages

The following replacement pages were published in June 2016 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4962 (Case No. 15ORD-00000-00002, adopted 05/03/2016) 2016 General Package Ordinance Amendment.

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October 2016 Replacement Pages

The following replacement pages were published in October 2016 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4977 (Case No. 16ORD-00000-00006, adopted 09/20/2016) DR Zone Modifications Ordinance Amendment.

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December 2016 Replacement Pages

The following replacement pages were published in December 2016 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 4982 (Case No. 13ORD-00000-00006, adopted 11/08/2016) Gaviota Coast Plan Ordinance Amendment.

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November 2017 Replacement Pages

The following replacement pages were published in November 2017 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5003 (Case No. 17ORD-00000-00002, adopted 06/20/2017) Transitional and Supportive Housing Ordinance Amendment.

Ordinance No. 5014 (Case No. 16ORD-00000-00009, adopted 10/03/2017) Short-Term Rentals Ordinance Amendment.

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June 2018 Replacement Pages

The following replacement pages were published in June 2018 to reflect revisions to the Development Code resulting from the adoption of the following ordinances by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5027 (Case No. 17ORD-00000-00004, adopted 02/27/2018) Cannabis Land Use Ordinance Amendment.

Ordinance No. 5034 (Case No. 17ORD-00000-00016, adopted 03/13/2018) Bell Street Ordinance Amendment.

Ordinance No. 5044 (Case No. 18ORD-00000-00007, adopted 05/15/2018) Cannabis Land Use Ordinance Amendment.

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The following replacement pages were published in September 2018 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5055 (Case No. 16ORD-00000-00016, adopted 08/14/2018) Accessory Dwelling Unit Ordinance Amendment.

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February 2019 Replacement Pages

The following replacement pages were published in February 2019 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5068 (Case No. 18ORD-00000-00002, adopted 12/11/2018) Agricultural employee Dwellings Ordinance Amendment.

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May 2019 Replacement Pages

The following replacement pages were published in May 2019 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5080 (Case No. 17ORD-00000-00005, adopted 04/09/2019) Hoop Structures Ordinance Amendment.

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August 2019 Replacement Pages

The following replacement pages were published in August 2019 to reflect revisions to the Development Code resulting from the adoption of the following ordinance by the Board of Supervisors. See Appendix A for information on the Development Code sections that were amended.

Ordinance No. 5084 (Case No. 19ORD-00000-00001, adopted 7/9/2019) Cannabis Ordinance Amendment.

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Santa Barbara County Land Use & Development Code

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ARTICLE 35.1

Development Code Applicability

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CHAPTER 35.10 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

Sections:

- 35.10.010 - Purpose of Development Code
- 35.10.020 - Authority, Relationship to Comprehensive Plan ~~and Local Coastal Program~~
- 35.10.030 - Responsibility for Administration
- 35.10.040 - Applicability of the Development Code
- 35.10.050 - Validity

35.10.010 - Purpose of Development Code

The Santa Barbara County Land Use and Development Code, hereafter referred to as the "Development Code," constitutes a portion of Chapter 35 of the Santa Barbara County Code. This Development Code carries out the policies of the Santa Barbara County Comprehensive Plan ~~and Local Coastal Program~~ by classifying and regulating the uses of land and structures within the County, consistent with the Comprehensive Plan ~~and the Local Coastal Program~~. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the County. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the County that will assist in protecting the character and stability (social and economic) of agricultural, residential, commercial and industrial uses, as well as the character and identity of communities within the County;
- B. Conserve and protect the County's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- E. Ensure compatibility between different types of development and land use.

35.10.020 - Authority, Relationship to Comprehensive Plan ~~and Local Coastal Program~~

- A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); ~~the California Coastal Act (Public Resources Code Section 30000 et seq.);~~ the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- B. **Consistency with Comprehensive Plan, and Community, Specific and Area Plans, ~~and Local Coastal Program~~.** This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including any applicable community, specific or area plan ~~and Local Coastal Program~~. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, including any applicable community, specific or area plan ~~and Local Coastal Program~~, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, including any applicable community, specific or area plan ~~and Local Coastal Program~~.
- C. ~~**Local Coastal Program provisions.** The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with Chapter 9A (Brush Removal Southeastern Coastal Area and Coastal Zone) and Chapter 14 (Grading), the County's ordinances for the implementation of the Local Coastal Program, in compliance with the California Coastal Act.~~

35.10.030 - Responsibility for Administration

- A. Responsible bodies and individuals.** This Development Code shall be administered by:
1. The Santa Barbara County Board of Supervisors, hereafter referred to as the "Board;"
 2. The Planning Commission, hereafter referred to as the "Commission"
 3. The County Boards of Architectural Review, hereafter referred as the "Board of Architectural Review" including the following:
 - a. Central County Board of Architectural Review
 - b. North County Board of Architectural Review
 - c. South County Board of Architectural Review
 4. The County Zoning Administrator, hereafter referred to as the "Zoning Administrator;"
 5. The Director of the Planning and Development Department, hereafter referred to as the "Director;" and
 6. The Planning and Development Department, hereafter referred to as the "Department."
- B. Responsibility and authority of Director.** Whenever this Article refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director and that they report directly to the Director rather than the Commission or Board.

35.10.040 - Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the County, except for the area designated as the Coastal Zone as defined in Article 35.11 (Glossary) and the Montecito Community Plan area, as follows.

- A. New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of [Section 35.20.020 \(Prerequisites for Development and New Land Uses\)](#) and [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#). No Building Permit or Grading Permit shall be issued by the Department unless the proposed construction complies with all applicable provisions of this Development Code.
- B. Subdivisions.** Any subdivision of land proposed within the County after the effective date of this Development Code shall be consistent with the minimum lot area and width requirements of [Article 35.2 \(Zones and Allowable Land Uses\)](#) unless a reduction is allowed in compliance with [Section 35.82.200 \(Variances\)](#), the County's subdivision regulations (County Code, Chapter 21) and all other applicable requirements of this Development Code.
- C. Continuation of an existing land use.** An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with all applicable provisions of this Development Code, including [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#). However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Development Code or any applicable Amendment, except as otherwise provided by [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
- D. Effect of Development Code changes on projects in progress.** A project that is under construction on the effective date of this Development Code or any Amendment, need not be changed to satisfy any new or different requirements of this Development Code, provided that the construction, i.e., the placing of construction materials in permanent position and fastened in a permanent manner, was lawfully begun prior to the effective date of this Development Code or any Amendment.
- E. Incorporation of existing ordinances and development plans.** Previously adopted ordinances which

added development and zone text provisions applicable to particular property in compliance with the following provisions of previously adopted zoning regulations are hereby incorporated by reference into this Section and shall have the same force and effect as if the provisions of those ordinances were specifically and fully set forth in this Section.

1. Ordinances.

- a. Ordinance No. 453, Article 3.1.
- b. Ordinance No. 661, Article IV.
- ~~e. Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article II of Chapter 35 of the County Code.~~
- ~~ec.~~ Preliminary Development Plans incorporated into rezoning ordinances in compliance with Article III of Chapter 35 of the County Code.

2. Development Plans.

- a. Development Plans and Precise Plans previously adopted in compliance with Ordinance No. 661.
- ~~b. Development Plans and Plot Plans within the Coastal Zone which received County approval prior to February 1, 1973.~~
- ~~e. Development Plans and Plot plans that received a Coastal Development Permit from the State Coastal Commission.~~
- ~~d. Development Plans previously adopted in compliance with Article II of Chapter 35 of the County Code.~~
- ~~eb.~~ Development Plans previously adopted in compliance with Article III of Chapter 35 of the County Code.

F. Conflicting requirements.

- 1. Development Code and County Code provisions.** If conflicts occur between requirements of this Development Code or between this Development Code and the Santa Barbara County Code, or other regulations of the County, the most restrictive shall control unless specifically indicated otherwise. ~~Within the Coastal Zone, conflicts shall be resolved in manner which on balance is the most protective of significant coastal resources.~~
- 2. Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Development Code and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall apply.
- 3. Private agreements.** This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs) without affecting the applicability of any agreement or restriction. The County shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.

G. State, County, Local Agency, and School District sites and facilities.

- ~~1. Inland areas.~~ Within the unincorporated Inland areas of the County, the provisions of this Development Code do not apply to the following governmental properties and activities.
 - ~~a~~1. Development by the Federal Government on leased or Federally owned land.
 - ~~b~~2. Development by the County or any district of which the Board is the governing body.
 - ~~e~~3. Development within any state university or college.
 - ~~d~~4. Development by the State or an agency of the State acting in its sovereign (governmental) capacity.

- e5. Certain facilities of local agencies as defined in Government Code Section 53090 et seq.
- ~~2. **Coastal Zone.** Within the unincorporated areas of the County within the Coastal Zone, the provisions of this Development Code do not apply to the following governmental properties and activities:~~
- ~~a. Lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents. (16 USC Section 1453, Federal Coastal Zone Management Act of 1972).~~
 - ~~b. New or expanded thermal electric generating plants and electric transmission lines connecting such plants to existing electric transmission systems under the exclusive jurisdiction of the California Energy Resources Conservation and Development Commission in compliance with Public Resources Code Sections 25500 and 30264.~~
 - ~~c. Any development proposed or undertaken within any state university or college, in compliance with Public Resources Code Section 30519.~~
 - ~~d. Repair and maintenance, other than within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board is the governing body.~~

H. Other requirements may apply. Nothing in this Development Code eliminates the need for obtaining any other permits required by the County, or any permit, approval or entitlement required by any other applicable special district or agency and/or the regulations of any State, or Federal agency.

35.10.050 - Validity

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

CHAPTER 35.12 - INTERPRETATION OF CODE PROVISIONS

Sections:

[35.12.010 - Purpose](#)

[35.12.020 - Authority](#)

[35.12.030 - Rules of Interpretation](#)

35.12.010 - Purpose

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Development Code. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Development Code and the Comprehensive Plan.

35.12.020 - Authority

The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation.

35.12.030 - Rules of Interpretation

- A. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to."
- B. **Time limits.** Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days unless otherwise specifically stated.
- C. **Zoning Map boundaries.** See [Section 35.14.020 \(Zoning Map and Zones\)](#).
- D. **Allowable uses of land.** See [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- E. **State law requirements.** Where this Development Code references applicable provisions of State law (e.g., the California Government Code, ~~Coastal Act~~, Subdivision Map Act, or Public Resources Code) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

CHAPTER 35.14 - ZONING MAP

Sections:

[35.14.010 - Purpose](#)

[35.14.020 - Zoning Map and Zones](#)

35.14.010 - Purpose

This Chapter establishes the zones applied to property within the County located outside of the Montecito Community Plan area and adopts the County's Zoning Map.

35.14.020 - Zoning Map and Zones

- A. Zones established.** The Santa Barbara County shall be divided into zones that implement the Santa Barbara County Comprehensive Plan. The zones shown in Table 1-1 (Zones) below, are hereby established and shall be shown on the Zoning Map.
- B. Inclusion by reference.** The existing zone boundaries have been previously adopted by the Board in compliance with Government Code Sections 65800 et seq., and are hereby incorporated into this Development Code by reference as though they were fully included herein.
- C. Zone boundaries.** The boundaries of the zones established by Subsection B (Inclusion by reference) above, shall be shown upon the map or maps designated as the Santa Barbara County Zoning Map (hereafter referred to as the "Zoning Map") which are on file with the Department.
- D. Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.
1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
 2. If a zone boundary divides a lot, and the boundary line location is not otherwise designated, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone that applies to the adjoining property on either side of the vacated or abandoned street or alley, or property line resulting from the abandonment.
- E. Map Amendments.** Amendments to the Zoning Map shall follow the process established in [Chapter 35.104 \(Amendments\)](#).
1. The adoption of a Zoning Map Amendment shall be by ordinance.
 2. An exhibit shall be attached to said ordinance that shows in sufficient detail the area that is subject to the Zoning Map Amendment and the zone that the area will be zoned to as a result of the Zoning Map Amendment.

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Agricultural Zones		
AG-I	Agricultural I	35.21
AG-II	Agricultural II	
Resource Protection Zones		
MT-GOL	Mountainous - Goleta	35.22
MT-TORO	Mountainous - Toro Canyon	
RMZ	Resource Management	
Residential Zones		
RR	Residential Ranchette	35.23
E-1	Single Family Estate Residential	
R-1	Single Family Residential	
EX-1	One-Family Exclusive Residential	
R-2	Two-Family Residential	
DR	Design Residential	
MR-O	Multi-Family Residential - Orcutt	
PRD	Planned Residential Development	
SLP	Small-Lot Planned Development	
MHP	Mobile Home Planned Development	
MHS	Mobile Home Subdivision	
Commercial Zones		
C-1	Limited Commercial	35.24
C-2	Retail Commercial	
C-3	General Commercial	
CH	Highway Commercial	
CM-LA	Community Mixed Use - Los Alamos	
CS	Service Commercial	
C-V	Resort/Visitor-Serving Commercial	
PI	Professional and Institutional	
SC	Shopping Center	
Industrial Zones		
M-RP	Industrial Research Park	35.25
M-1	Light Industry	
M-2	General Industry	
M-CR	Coastal-Related Industry	

Zone Symbol	Name of Zone	Applicable Code Chapter
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Special Purpose Zones

MU	Mixed Use	35.26
NTS	Naples Townsite	
OT-R (1)	Old Town-Residential (1)	
OT-R/LC	Old Town - Residential/Light Commercial	
OT-R/GC	Old Town - Residential/General Commercial	
PU	Public Utilities	
REC	Recreation	

Overlay Zones

AH	Affordable Housing	35.28
CVC	Critical Viewshed Corridor	
F	Airport Approach	
D	Design Control	
ESH-GAV	Environmentally Sensitive Habitat - Gaviota Coast	
ESH-GOL	Environmentally Sensitive Habitat - Goleta	
ESH-MC	Environmentally Sensitive Habitat - Mission Canyon	
ESH-TCP	Environmentally Sensitive Habitat - Toro Canyon	
FA	Flood Hazard	
HC	Highway 101 Corridor	
HWMF	Hazardous Waste Management Facility	
PA-OTO	Pedestrian Area - Old Town Orcutt	
RC-GOL	Riparian Corridor - Goleta	
SC-MC	Scenic Corridor – Mission Canyon	

Community Plan Overlay Zones

GAV	Gaviota Coast Plan	35.28.210
GOL	Goleta	
LA	Los Alamos	
ORC	Orcutt	
SYV	Santa Ynez Valley	
SUM	Summerland	
TCP	Toro Canyon Plan	

Notes:

- (1) Although the OT-R zone (Old Town-Residential) is included within the Special Purpose Zones table, it is still considered a residential zone as this term is applied within this Development Code

ARTICLE 35.2

Zones and Allowable Land Uses

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CHAPTER 35.20 - DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- [35.20.010 - Purpose](#)
- [35.20.020 - Prerequisites for Development and New Land Uses](#)
- [35.20.030 - Allowable Development and Planning Permit Requirements](#)
- [35.20.040 - Exemptions from Planning Permit Requirements](#)
- [35.20.050 - Temporary Uses](#)

35.20.010 - Purpose

This Chapter describes the County's requirements for the approval of proposed development and new land uses. The permit requirements established by this Development Code for specific land uses are in Chapters [35.21](#) through [35.26](#) and [Chapter 35.28 \(Overlay Zones\)](#).

35.20.020 - Prerequisites for Development and New Land Uses

Each land use and structure shall be established, constructed, reconstructed, altered, moved, or replaced in compliance with the following requirements.

- A. Allowable use.** A proposed land use must be allowed by this Development Code in the zone applied to the site. The basis for determining whether a use is allowable is in [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Permit and approval requirements.** Any planning permit or other approval required by [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#) shall be obtained before the issuance of any grading, building, or other construction permit, and before commencing any work pertaining to any development or use or using any land or structure, unless such structure or use is listed in [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
- C. Development standards, conditions of approval, Comprehensive Plan.** Each land use and structure shall comply with the development standards of this Chapter, the provisions of [Article 35.2](#) through [Article 35.8](#), all other applicable requirements of this Development Code, the Comprehensive Plan, including any applicable community, specific or area plan and any applicable conditions imposed by a previously granted planning permit.
- D. Legal lot.** The site of a proposed development or land use shall be one or more lots as defined in this Development Code.

35.20.030 - Allowable Development and Planning Permit Requirements

- A. Allowable land uses.** The land uses allowed by this Development Code in each zone and overlay zone are listed in Chapters [35.21](#) through [35.28](#), together with the type of planning permit required for each use. Each listed land use type is defined in [Article 35.11 \(Glossary\)](#).
 - 1. Establishment of an allowable use.** Any land use identified by Chapters [35.21](#) through [35.28](#) as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B. (Permit requirements) below, and compliance with all applicable requirements of this Development Code, unless the approval and/or issuance of a planning permit is not required in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
 - 2. Use not listed.** A land use not listed in Chapters [35.21](#) through [35.28](#) or not shown in the table of

allowable land uses and permit requirements for a particular zone is not allowed, except as otherwise provided in Subsection A.3 (Similar and compatible use may be allowed) below.

- 3. Similar and compatible use may be allowed.** In addition to uses allowed in compliance with Subsection A.3.b, below, in the following zones the Commission may determine that a proposed use not listed in this Chapter is allowable in compliance with [Section 35.82.190 \(Use Determinations\)](#).

a. Applicable zones:

- (1) C-1 (Limited Commercial);
- (2) C-2 (Retail Commercial);
- (3) C-3 (General Commercial);
- (4) CH (Highway Commercial);
- (5) CM-LA (Community Mixed Use - Los Alamos)
- (6) CN (Neighborhood Commercial);
- (7) CS (Service Commercial);
- (8) M-1 (Light Industry);
- (9) MRP (Industrial Research Park);
- (10) OT-R/GC (Old Town Residential/General Commercial);
- (11) OT-R/LC (Old Town Residential/Light Commercial);
- (12) PI (Professional and Institutional);
- (13) PU (Public Utilities);
- (14) REC (Recreation); and
- (15) SC (Shopping Center).

- b. Special provisions for the SC (Shopping Center) zone.** In the SC (Shopping Center) zone the Director may determine that a proposed use not specifically listed as an permitted use within Table 2-21 (Allowable Land Uses and Permit Requirements for the SC Zone) of [Section 35.24.070](#) (i.e., where the permit requirement is denoted with a “P”) may also be allowed as a permitted use within an existing, developed shopping center in compliance with [Section 35.82.190 \(Use Determinations\)](#).

- (1) Applications for Use Determinations not associated with an existing, developed shopping center are under the jurisdiction of the Planning Commission.

- c. Applicable standards and permit requirements.** When the review authority determines that a proposed but unlisted use is similar to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- d. Medical Marijuana Dispenseries.** Medical Marijuana Dispenseries are not allowed in any zone district and shall not be approved through a [Use Determination \(Section 35.82.190\)](#).

- B. Permit requirements.** Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code.

- 1. General planning permit requirements.** The allowable land use tables within Chapters [35.21](#) through [35.26](#) provide for land uses that are:

- a. Permitted subject to compliance with all applicable provisions of this Development Code,

- subject to first obtaining a Land Use Permit ([Section 35.82.110](#)). These are shown as "P" uses in the tables;
- b. Allowed subject to the approval of a Minor Conditional Use Permit ([Section 35.82.060](#)) and shown as "MCUP" uses in the tables;
 - c. Allowed subject to the approval of a Conditional Use Permit ([Section 35.82.060](#)) and shown as "CUP" uses in the tables;
 - d. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Zoning Clearance ([Section 35.82.210](#)). These are shown as "ZC" uses in the tables;
 - e. Allowed as an exempt use as listed in [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) and shown as "E" uses in the tables;
 - f. Allowed subject to the type of County approval required by a specific provision of [Chapter 35.42 \(Standards for Specific Land Uses\)](#) and shown as "S" uses in the tables; and
 - g. Not allowed in particular zones and shown as "—" in the tables. Use may be subject to a similar use determination in compliance with Subsection A.3 (Similar and compatible use may be allowed) above.
 - h. Where the last column in each table ("Specific Use Regulations") includes a section number, the referenced Section may affect whether the use requires a Zoning Clearance, Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

A proposed land use type that is not listed in the tables is not allowed, except as provided by Subsection A.3 (Similar and compatible use may be allowed) above, or if allowed in compliance with [Chapter 35.28 \(Overlay Zones\)](#), or if allowed in compliance with [Article 35.4 \(Standards for Specific Land Uses\)](#).

2. **Design Review.** Development authorized in compliance with Subsection B.1 (General planning permit requirements) above may also require Design Review approval in compliance with [Section 35.82.070 \(Design Review\)](#).

35.20.040 - Exemptions from Planning Permit Requirements

The requirements of this Development Code that one or more planning permits (e.g., Land Use Permit, Conditional Use Permit, Minor Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

- A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:
 1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#); and
 2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
- B. **Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemptions) above, except if addressed by Policy OS-O-5 and Development Standards 5.1 through 5.3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, [Section 35.28.100 \(Environmentally](#)

[Sensitive Habitat Overlay Zone](#)) as it applies to sites located within the Eastern Goleta Valley Community Plan, the Goleta Community Plan or Mission Canyon Community Plan areas, or [Section 35.28.170 \(Riparian Corridor-Goleta \(RC-GOL\) Overlay Zone\)](#).

1. **Accessory dwelling units.** One accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), as applicable.
2. **Animal keeping.** Animal keeping when shown as an "E" in the Land Use Tables in Chapters [35.21](#) through [35.26](#) (Table 2-1 and following) and the Animal Keeping Table (Table 4-1 and following) in [Section 35.42.060 \(Animal Keeping\)](#).
3. **Antennas.** Ground or roof mounted receive-only satellite dish or wireless television antenna less than one meter in diameter used solely by the occupants of the property on which the antenna is located for the noncommercial, private reception of communication signals, see [Chapter 35.44 \(Telecommunications Facilities\)](#).
4. **Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:
 - a. The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
 - b. The change is from a land use listed as a permitted use in the applicable land use tables within Chapters [35.21](#) through [35.26](#) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
 - c. The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
 - d. The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
 - e. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).
5. **Cultivated agricultural, orchards and vineyards.** Cultivated agriculture, orchards and vineyards when shown as an "E" in the Land Use Tables in Chapters [35.21](#) through [35.26](#) (Table 2-1 and following).
6. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director in consultation with the Flood Control District as applicable.
 - a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - b. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the replaced or restored structure would be located, the replaced or restored structure may be relocated on the lot to meet applicable setbacks from top-of-bank and reduce flood hazards, as long as the structure otherwise complies with Subsection 5.a above and with applicable policies of the Comprehensive Plan.
 - c. Notwithstanding the height measurement methodology contained in [Section 35.30.090.C](#), if

the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the replaced or restored structure may exceed the height of the destroyed or damaged structure (as measured from the post-event grade to peak roof height) by more than 10 percent if necessary to comply with the base flood elevation that exists for the lot after the debris flow or other event. In no case shall the height of the structure, as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas, exceed the equivalent height of the damaged or destroyed structure by more than 10 percent. The height of the structure, as measured from post-event grade, shall not exceed the height of the applicable zone.

- (1) For the purposes of this Subsection 5.c, post-event grade is defined as the existing grade on the lot at the time of application submittal.
- d. Except as provided in Subsection B.5.d.(1) below, if the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with [Section 35.82.070 \(Design Review\)](#), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).
- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.
7. **Demolition.** The demolition of a structure less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
 8. **Fences, gates, gateposts, walls, retaining walls.** See [Section 35.30.070 \(Fences and Walls\)](#).
 9. **Final or Parcel Map recordation.** The recordation of a Final Map or Parcel Map following the approval of a Tentative Map including Vesting Tentative Maps.
 10. **Grading.** Grading activities that do not require the approval of a Development Plan by the requirements of the applicable zone, and that comply with the following, except if addressed by Policy GEO-O-3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, [Section 35.28.100 \(Environmentally Sensitive Habitat Overlay Zone\)](#) as it applies to sites located within the Eastern Goleta Valley Community Plan, the Goleta Community Plan or Mission Canyon Community Plan areas, or the RC-GOL (Riparian Corridor-Goleta) overlay zone.
 - a. **General grading.** Grading for which a permit is not required by County Code Chapter 14 (Grading).
 - b. **Oil field grading.** Grading in a State-designated oil field involving less than 1,500 cubic yards of cut or fill on a slope of less than 30 percent; provided that the grading:
 - (1) Does not have the potential to change or adversely affect an intermittent or perennial stream or regional watercourse;
 - (2) Will not adversely impact paleontological, archaeological, or uniquely important cultural resources;

- (3) Will not adversely affect exceptional wildlife values;
- (4) Is not proposed to be located within one mile and in the visible area of a scenic highway, public park, or area designated as recreational or open space on the Comprehensive Plan Land Use Maps; or
- (5) Does not require the removal of three or more trees that are each greater than 17 inches in circumference measured two feet above the ground.

The requirements of this Subsection shall not be construed to alter the provisions and regulations of County Code Chapter 14 (Grading).

11. **Grazing.** Grazing when shown as an "E" in the Land Use Tables in Chapters 35.21 through 35.26 (Table 2-1 and following) and the Animal Keeping Tables (Table 4-1 and following), in Section 35.42.060 (Animal Keeping).
12. **Hoop structures and shade structures.** Hoop structures and shade structures that are exempt in compliance with Section 35.42.140.C (Hoop structures and shade structures in agricultural zones).
13. **Interior alterations.** Interior alterations that do not increase the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
14. **Irrigation lines.** The installation of irrigation lines that do not require a Grading Permit in compliance with County Code Chapter 14.
15. **Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment.
16. **Minor additions, accessory and temporary filming structures.**
 - a. **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, the floor area (gross) does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - b. **Agricultural accessory structures.**
 - (1) **Livestock loading ramps.** In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.
 - (2) **Pole barns.** In the RR, AG-I, and AG-II zones, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have plumbing or electrical facilities.
 - c. **Decks, platforms, walk, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
 - d. **Door, window features and skylights.** Doors, windows, and skylights, and window awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.
 - e. **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
 - f. **Temporary filming structures.** Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork, and is in compliance with all applicable requirements of County Code Chapter 14C (Film Permit Office).

17. **Oil drilling and production accessory equipment.** In the AG-II, M-2 or M-CR zones accessory equipment, excluding the installation of water flooding or steam injection systems using fresh groundwater, incidental to existing production facilities when the installation of such equipment will not require grading or expansion of the site.
18. **Onsite wastewater treatment systems.**
 - a. Onsite wastewater treatment systems, not including alternative wastewater treatment systems, and the installation and performance testing of drywells for sewage disposal, except for lots located in a Special Problems Area that is designated as such due to sewage disposal constraints.
 - b. The modification, replacement or repair of all or any portion of an existing onsite wastewater treatment system, including alternative wastewater treatment systems and wastewater treatment systems located on a lot in a Special Problem Area that is designated as such due to sewage disposal constraints, provided that the modification, replacement or repair occurs in substantially the same area as the existing system.
19. **Propane tanks.** Propane tanks located in residential or agricultural zones.
20. **Repair and maintenance.** Repair and maintenance activities that do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities.
21. **Replacement in-kind of an existing and conforming structure.** The replacement in-kind of an existing permitted and conforming structure provided:
 - a. The reconstructed structure shall comply with all requirements of the applicable zone, shall be for the same use, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the existing structure. For the purposes of this Subsection B.19, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - b. The exterior design or specifications is not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
 - c. The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.
22. **Seismic retrofitting.** Seismic retrofits to existing structures that are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure.
23. **Signs, flags, and similar devices.** Signs, flags and similar devices in compliance with [Section 35.38.030 \(Exempt Signs, Flags, and Devices\)](#).
24. **Solar energy systems.** The addition of solar energy systems to the roofs of existing structures.
25. **Structures of limited value.** A structure with an aggregate value of less than \$2,000, as determined by the Director.
26. **Utility facilities.** Poles, wires, underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed, or maintained by a public agency or public service or utility district or company. However, these structures shall comply with the applicable height limitations of the F (Airport Approach Area) overlay zone.
27. **Water wells.**
 - a. The testing and installation of a water well to serve one domestic, commercial, industrial, or recreational connection.

- b. Except in zones requiring Development Plans, water wells for water systems for agricultural purposes.

35.20.050 - Temporary Uses

Requirements for establishing a temporary use (e.g., seasonal sales lot, special event, temporary office trailer) are in [Section 35.42.260 \(Temporary Uses and Trailers\)](#).

CHAPTER 35.21 - AGRICULTURAL ZONES

Sections:

- 35.21.010 - Purpose
- 35.21.020 - Purposes of the Agricultural Zones
- 35.21.030 - Agricultural Zones Allowable Land Uses
- 35.21.040 - Agricultural Zones Lot Standards
- 35.21.050 - Agricultural Zones Development Standards
- 35.21.060 - Permit Requirements and Development Standards for Specific Land Uses in the Gaviota Coast Plan Area

35.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Agricultural zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.21.020 - Purposes of the Agricultural Zones

The purposes of the individual Agricultural zones and the manner in which they are applied are as follows.

A. AG-I (Agricultural I) zone.

- ~~1.~~—The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, ~~Rural (Coastal Zone only)~~, and Existing Developed Rural Neighborhood areas, as designated on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.
- ~~2.~~—~~Within the Coastal Zone, the AG I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils.~~

B. AG-II (Agricultural II) zone.

- ~~1.~~—The AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.
- ~~2.~~—~~Within the Coastal Zone, the AG II zone is intended to provide for agricultural land uses on large properties (a minimum of 40 to 320 acre lots) with prime and non prime agricultural soils in the rural areas of the County, and to preserve prime and non prime soils for long term agricultural use.~~

35.21.030 - Agricultural Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in [Table 2-1 \(Allowed Land Uses and Permit Requirements for the Agricultural Zones\)](#) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

C. Development Plan approval required.

1. **AG-I zone.** Except as provided below in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), on property zoned AG-I, the approval of a Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and (1) is 20,000 or more square feet in gross floor area or (2) is an attached or detached structure and the gross floor area thereof, when added to the gross floor area of existing structures on the lot, will equal or exceed 20,000 square feet.
 - a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
2. **AG-II zone.** On property zoned AG-II, the approval of a Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for the following structural development that is not otherwise required by this Development Code to have discretionary permit approval:
 - a. **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see [Article 35.11, Glossary](#)) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.
 - (1) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsections C.2.a, above:
 - (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
 - (b) The gross floor area of one accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
 - b. **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:
 - (1) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
 - (2) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:
 - (a) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
 - (b) There is an active, unexpired planning permit that allows for the construction of a

different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or

- (c) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
- (3) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in the table below. Total gross floor area includes the gross floor area of agricultural development and non-agricultural structural development, both existing and proposed.

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

- (4) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection D.2.b.(3), above.
 - (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
 - (b) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development and comply with the following:
 - (i) Each structure does not exceed 3,000 square feet of gross floor area.
 - (ii) Each structure has three or fewer walls, and at least one of the long sides of the structure shall be open and shall only utilize posts to support the roof.
- (5) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection D.2.b.(3) and Subsection D.2.b.(4), above, shall comply with [Subsection 35.21.050.C \(Development standards for agricultural structural development that does not require the approval of a Final Development Plan\)](#). Proposed structures that do not comply with [Subsection 35.21.050.C](#) may be allowed in compliance with an approved Final Development Plan.

- 3. **Exemptions from floor area calculations, wineries.** Gross floor area associated with the following structures is not included in determining the 20,000-square foot gross floor area threshold for that development which requires a Development Plan in compliance with Subsection D.1 and D.2, above.
 - a. The structure qualifies as winery structural development.
 - b. If the structure is existing, then it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

D. Design Review required. Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with [Section 35.82.070 \(Design Review\)](#).

E. **Accessory structures and uses.** Each use allowed by [Table 2-1 \(Allowed Land Uses and Permit Requirements for the Agricultural Zones\)](#) may include accessory structures and uses that are customarily incidental to the primary use.

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	ZC	Zoning Clearance
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	AG-I	AG-II
		Specific Use Regulations

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	35.42.020
Agricultural processing - On-premise products	P	P (3)	35.42.040
Agricultural processing - Off-premise products	—	CUP (3)	35.42.040
Agricultural processing - Extensive	—	CUP (4)	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	35.42.060
Aquaculture	—	CUP	35.42.070
Aquaponics	—	S (5)	35.21.060
Cannabis – Cultivation and nursery	S	S	35.42.075
Cannabis – Microbusiness	—	S	35.42.075
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P(6)	35.42.140
Hoop structure and shade structure	S	S	35.42.140
Mining - Agricultural soil export	—	MCUP	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards (7)	P(7)	P(7)	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	S	S	35.5
Utility-scale photovoltaic facilities	—	CUP	35.59
Winery	S	S	35.42.280

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Cannabis – Manufacturing	S	S	35.42.075
Cannabis – Testing	—	—	
Composting facility	MCUP	MCUP	35.42.100
Composting (small scale)	—	S (5)	35.21.060
Fertilizer manufacturing	—	CUP (4)	
Firewood processing and sales	—	S (5)	35.21.060
Lumber processing, milling (small scale)	—	S (5)	35.21.060

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) See Section [35.42.070.C](#) for special permit requirements and development standards that apply within the Gaviota Coast Plan area.
- (4) Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay.”
- (5) Limited to locations within the Gaviota Coast Plan area.
- (6) See [Section 35.42.140.B.2](#) for special permit requirements and development standards that apply within the Gaviota Coast Plan area.
- (7) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Country club	CUP	CUP	
Equestrian facilities	CUP	P (8)	
Fairgrounds	CUP	CUP	
Golf course	CUP	CUP	
Golf driving range	CUP	CUP	
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Rural recreation	—	CUP (2)	35.42.240
School	CUP	CUP	
School - Business, professional or trade	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) See [Section 35.42.240.D](#) for special permit requirements and development standards that apply within the Gaviota Coast Plan area.

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

RESIDENTIAL USES

Accessory dwelling unit	S	S	35.42.015
Agricultural employee housing	S	S	35.42.030
Artist studio	P	P	35.42.150
Dwelling, one-family (3)	P	P	
Farmworker dwelling unit	P	P	35.42.135
Farmworker housing complex	P	CUP	35.42.135
Guesthouse	P	P	35.42.150
Home occupation	P	P	35.42.190
Incentive dwelling unit	—	P (4)	35.28.210
Monastery	CUP	CUP	
Residential accessory uses and structures	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	S	35.42.090

RETAIL TRADE

Agricultural product sales	P	P (6)	35.42.050
Cannabis - Retail	—	—	

SERVICES

Cemetery	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	
Large family day care home	P	P	35.42.090
Small family day care home	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	35.42.090
Day care center, Residential	MCUP	MCUP	35.42.090
Lodging - Guest ranch	—	CUP (7)	
Lodging - Homestay	P	—	35.42.193
Lodging - Hostel	—	CUP	35.42.240
Lodging - Short-term rental	—	—	
Mausoleum	CUP	CUP	
Medical services - Animal hospital	MCUP	P	35.42.250
Mortuary, accessory to cemetery	CUP	CUP	35.42.120

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.21.030.C](#).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).
- (4) Limited to locations within the Gaviota Coast Plan area; see [Section 35.28.210.I](#).
- (5) Limited to specific locations. See the limitations on location for the use in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).
- (6) See [Section 35.42.050.E](#) for special permit requirements and development standards that apply within the Gaviota Coast Plan area.
- (7) See [Section 35.42.240.D](#) for special permit requirements and development standards that apply within the Gaviota Coast Plan area.

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Agricultural product transportation facility	—	CUP	35.42.040.B.2
Airport, public	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	
Cannabis - Distribution	S	S	35.42.075
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	
Electrical transmission line (4)	CUP	CUP	
Flood control project, less than 20,000 sf total area	P	P	
Flood control project, 20,000 sf or more total area	MCUP	MCUP	
Heliport	CUP	CUP	
Pipeline - Oil or gas	P	P	35.5
Public utility facility	CUP	CUP	
Public works or private service facility	MCUP	MCUP	
Road, street, less than 20,000 sf total area	P	P	
Road, street, 20,00 sf or more total area	P	P	
Telecommunications facility	S	S	35.44
Wind turbines and wind energy systems	S	S	35.57

WATER SUPPLY & WASTEWATER FACILITIES

Onsite Wastewater Treatment System, individual, alternative	MCUP	MCUP	
Onsite Wastewater Treatment System, individual, conventional	E	E	
Onsite Wastewater Treatment System, individual, supplemental	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	
Reservoir, less than 50,000 sf of total development	P	P	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	
Water diversion project	P	P	
Water extraction, commercial	CUP	CUP	
Water system with 1 connection	E	E	
Water system with 2 to less than 5 connections	P	P	
Water system with 5 or more connections	MCUP	MCUP	
Water well, agricultural	E	E	

Key to Zone Symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.

35.21.040 - Agricultural Zones Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. Minimum lot area.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-2 (Minimum Lot Area/Building Site Area).
- B. Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with

the minimum gross area shown in Table 2-2 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot unless it is a fraction lot.

Table 2-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres
AG-I-20	20 acres
AG-I-40	40 acres
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

35.21.050 - Agricultural Zones Development Standards

- A. General development standards.** Development within the Agricultural zones shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (AG-I and AG-II Zones Development Standards) below, and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~
- B. Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I Agriculture I	AG-II Agriculture II
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
	One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) ; plus agricultural employee housing where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards) .	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front	50 ft from road centerline and 20 ft from edge of right-of-way.	50 ft from road centerline and 20 ft from edge of right-of-way.
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	None.
Rear	20 ft; 25 ft on a lot of less than 1 acre.	None.
Building separation	None, except as required by Building Code.	
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards) .	
Parking	See Chapter 35.36 (Parking and Loading Standards) .	
Signs	See Chapter 35.38 (Sign Standards) .	

- C. Development standards for agricultural structural development that does not require the approval of a Final Development Plan.** In addition to the development standards listed in Subsections 35.21.050.A, above, all development associated with the construction of agricultural structural development that does not require the approval of a Final Development Plan in compliance with [Subsection 35.21.030.D.2.b.\(2\)](#) and [Subsection 35.21.030.D.2.b.\(3\)](#) shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.
1. The development shall avoid or minimize significant impacts to agriculture to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
 2. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - a. Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - b. Native woodlands and forests.
 - c. Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.
 - (1) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of “rare” in Section 15380 of California Environmental Quality Act.
 - (2) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100-foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - d. Plant communities known to contain rare, endangered, or threatened species.
 - e. Streams, riparian areas, vernal pools, and wetlands.
 - f. Any designated Environmental Sensitive Habitat Areas.
 3. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
 4. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - b. Building materials and colors (earth tones and non-reflective paints) compatible with the

surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

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

35.21.060 - Permit Requirements and Development Standards for Specific Land Uses in the Gaviota Coast Plan Area

- A. Purpose and intent.** This Section determines the type of planning permit required for the specific land uses listed below, and provides development standards and structure size limitations related to the intensity of the land use. The intent is to provide for flexibility in the development of uses that are individually and cumulatively accessory to, supportive of, and subordinate to the primary agricultural use of the property while promoting orderly development of these uses within the Gaviota Coast Plan area, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, and prevent impacts to natural, cultural, and visual resources. The cumulative uses on any premises shall be incidental and subordinate to the agriculture activity located on the premises.
- B. Applicability.** The requirements of this [Section 35.21.060 \(Permit Requirements and Development Standards for Specific Uses in the Gaviota Coast Plan Area\)](#) apply to applications for development of land uses that are that are proposed to be located on property zoned Agricultural II (AG-II) within the Gaviota Coast Plan area.
- C. Specific land uses.** A land use and/or activity addressed by this Section shall comply with the provisions of each subsection applicable to the specific use in addition to all other applicable provisions of this Development Code.
- 1. Aquaponics (closed system).**
 - a. An Aquaponics system may be allowed with an exemption in compliance with [35.20.040 \(Exemptions from Planning Permit Requirements\)](#) if the activity complies with the following development standards.
 - (1) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - b. An Aquaponics system (closed) that does not comply with the development standards in Subsection C.1.a, above, may be allowed in compliance with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
 - 2. Composting (small scale).**
 - a. A composting (small scale) operation may be allowed with an exemption in compliance with [35.20.040 \(Exemptions from Planning Permit Requirements\)](#) if the activity complies with the following development standards.
 - (1) The feedstock for the composting operation originates from onsite.
 - (2) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (3) There is no more than 500 cubic yards of compost on-site at any one time.
 - (4) No more than 1,000 cubic yards of compost is sold or given away annually.

- (5) The compostable material may also include up to 10 percent food matter.
 - (6) Compost piles shall not exceed 12 feet in height.
 - (7) The operator of the Composting (small scale) operation shall maintain and follow an odor abatement plan per Santa Barbara County Air Pollution Control District guidance.
 - (8) The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.
 - (a) The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.
 - (b) The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.
- b. A composting (small scale) operation may be allowed in compliance with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) if the activity complies with the following development standards.
- (1) All of the material used in the operation shall originate within Santa Barbara County.
 - (2) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (3) There is no more than 500 cubic yards of compost on-site at any one time.
 - (4) No more than 1,000 cubic yards of compost is sold or given away annually.
 - (5) The compostable material may also include up to 10 percent food matter.
 - (6) Compost piles shall not exceed 12 feet in height.
 - (7) The operator of the Composting (small scale) operation shall maintain and follow an odor abatement plan per Santa Barbara County Air Pollution Control District guidance.
 - (8) The operation is in compliance [Section 35.28.070 \(Critical Viewshed Corridor \(CVC\) Overlay\)](#), if applicable.
 - (9) The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.
 - (a) The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.
 - (b) The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.
- 3. Firewood processing and sales.**
- a. Firewood processing and sales may be allowed with an exemption in compliance with [35.20.040 \(Exemptions from Planning Permit Requirements\)](#) if the activity complies with the following development standards.
 - (1) All of the material used in the Firewood processing and sales operation shall originate from the premises where the processing occurs.

- (2) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.
 - (3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - (4) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (5) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for export of plant material.
 - (6) Firewood processing and sales operations shall be in compliance with [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.
 - (7) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lots(s) or adjacent lot(s).
- b. Firewood processing and sales may be allowed in compliance with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) if the activity complies with the following development standards.
- (1) Firewood from offsite sources shall be limited to no more than 49 percent of the total volume of firewood processed on the facility premises.
 - (2) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.
 - (3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - (4) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (5) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
 - (6) Firewood processing and sales operations shall be in compliance with [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.
 - (7) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lots(s) or adjacent lot(s).
- c. Firewood processing and sales operations that do not comply with the development standards in Subsection C.3.a or Subsection C.3.b, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the following additional findings are first made:
- (1) The operation will not result in significant adverse impacts to visual resources.
 - (2) The operation will not include a new at-grade crossing of Highway 101.
 - (3) The operation will be in compliance with [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.

4. Lumber processing, milling (small scale).

- a. Lumber processing and milling may be allowed in compliance with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) if the activity complies with the following development standards.
 - (1) All of the material used in the lumber processing, milling operation shall originate within Santa Barbara County.
 - (2) Lumber from offsite sources shall be limited to no more than 49 percent of the total volume of lumber processed on the facility premises.
 - (3) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.
 - (4) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - (5) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (6) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
 - (7) Lumber processing and milling operations shall be in compliance with [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.
- b. Lumber processing and milling operations that do not comply with the development standards in Subsection C.4.a, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the following additional findings are first made:
 - (1) The operation will not result in significant adverse impacts to visual resources.
 - (2) The operation will not include a new at-grade crossing of Highway 101.
 - (3) The operation will be in compliance with [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.

CHAPTER 35.22 - RESOURCE PROTECTION ZONES

Sections:

- [35.22.010 - Purpose](#)
- [35.22.020 - Purposes of the Resource Protection Zones](#)
- [35.22.030 - Resource Protection Zones Allowable Land Uses](#)
- [35.22.040 - Resource Protection Zones Lot Standards](#)
- [35.22.050 - Resource Protection Zones Development Standards](#)
- [35.22.060 - Resource Protection Zones Findings for Project Approval](#)

35.22.010 - Purpose

This Chapter lists the land uses that may be allowed within the Resource Protection zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.22.020 - Purposes of the Resource Protection Zones

- A. The purpose of the MT-GAV (Mountainous - Gaviota), MT-GOL (Mountainous - Goleta), MT-TORO (Mountainous - Toro Canyon), and RMZ (Resource Management) zones is to protect lands that are unsuited for intensive development and that have:
1. Slopes in excess of 40 percent; or
 2. Valleys surrounded by slopes exceeding 40 percent; or
 3. Isolated table land surrounded by slopes exceeding 40 percent; or
 4. Areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds.

The intent is to allow reasonable but limited development because of extreme fire hazards, minimum services, and/or environmental constraints, and to encourage the preservation of these areas for uses including grazing, scientific and educational study, and limited residential uses.

35.22.030 - Resource Protection Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) identifies the uses of land allowed by this Development Code in each Resource Protection Zone, and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in [Table 2-4 \(Allowed Land Uses and Permit Requirements for Resource Protection Zones\)](#) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required.**
1. **MT-GAV, MT-GOL, and MT-TORO zones.** Except as provided below in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for a structure,

other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

- a. **Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
 2. **RMZ zone.** Final Development Plan approval is required for all development, including grading, except for the development of one accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
- D. Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with [Section 35.82.070 \(Design Review\)](#).
- E. Accessory structures and uses.** Each use allowed by [Table 2-4 \(Allowed Land Uses and Permit Requirements for the Resource Protection Zones\)](#) may include accessory structures and uses that are customarily incidental to the primary use.

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MT-GAV	MT-GOL	MT-TORO	RMZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Aquaculture	CUP	CUP	—	CUP	35.42.070
Cannabis – Cultivation, nursery, and microbusiness	—	—	—	—	
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Cultivated agriculture, orchard, vineyard - Historic legal use	—	—	E	MCUP	
Cultivated agriculture, orchard, vineyard - Limited slope	E	E	MCUP	CUP	
Cultivated agriculture, orchard, vineyard - Steep slope	MCUP	MCUP	MCUP	CUP	
Grazing	E	E	—	E	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (3)	P (3)	P (3)	P (3)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	35.82.160
Oil and gas development, offshore, from onshore location	—	—	—	S	35.5
Oil and gas development, onshore	CUP	CUP	CUP	S	35.5
Oil and gas treatment and processing	—	—	—	S	35.5

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

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

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, than a CUP is required.

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MT-GAV	MT-GOL	MT-TORO	RMZ	

RESIDENTIAL USES

Accessory dwelling unit	S	S	S	S	35.42.015
Agricultural employee housing, 4 or fewer employees	MCUP	MCUP	—	—	35.42.030
Artist studio	MCUP	MCUP	MCUP	MCUP	35.42.150
Dwelling, one-family	P	P	P	P	
Farmworker dwelling unit	P	P	P	P	35.42.135
Farmworker housing complex	MCUP	MCUP	MCUP	CUP	35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	—	CUP	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Special care home, 7 or more clients	—	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	S	S	S	35.42.090

RETAIL TRADE

Agricultural product sales	—	—	—	—	
Cannabis - Retail	—	—	—	—	

SERVICES

Cemetery	—	CUP	CUP	CUP	
Charitable or philanthropic organization	—	CUP	CUP	CUP	
Large family day care home	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	35.42.090
Day care center, Non-residential	—	MCUP	MCUP	MCUP	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to a permitted use	—	—	CUP	—	
Lodging - Guest ranch, low intensity	—	—	CUP	CUP	
Lodging - Homestay	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	CUP	
Lodging - Short-term rental	—	—	—	—	
Mausoleum	—	CUP	CUP	CUP	
Medical services - Clinic	—	—	CUP	—	
Medical services - Extended care	—	—	CUP	—	
Medical services - Hospital	—	—	CUP	—	
Mortuary, accessory to cemetery	—	CUP	CUP	CUP	35.42.120
Mortuary	—	—	—	—	35.42.120
Music recording studio	—	—	CUP	—	

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MT-GAV	MT-GOL	MT-TORO	RMZ	

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Cannabis - Manufacturing	—	—	—	—	
Cannabis – Testing	—	—	—	—	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Airport, public	—	CUP	CUP	CUP	
Airstrip, private and temporary	—	CUP	CUP	CUP	
Airstrip, temporary	—	CUP	—	—	
Cannabis - Distribution	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (4)	CUP	CUP	CUP	CUP	
Heliport	CUP	CUP	CUP	CUP	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (5)	P	P	P	P	
Road, street, 20,000 sf or more total area (5)	P	P	P	P	
Telecommunications facility	S	S	S	S	35.44
Wind turbines and wind energy systems	S	S	S	S	35.57

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	
Onsite wastewater treatment system, individual, conventional	E	E	E	E	
Onsite wastewater treatment system, individual, supplemental	E	E	E	E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	
Reservoir, less than 50,000 sf total development	P	P	P	P	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water diversion project	P	P	P	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	E	
Water system with 2 to less than 5 connections	P	P	P	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	E	E	E	

Key to Zone Symbols

MT-GAV	Mountainous - Gaviota	MT-TORO	Mountainous - Toro Canyon
MT-GOL	Mountainous - Goleta	RMZ	Resource Management

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

35.22.040 - Resource Protection Zones Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. **Minimum lot size.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in [Table 2-5 \(Minimum Lot Area/Building Site Area\)](#). Minimum lot width and depth shall be determined by the review authority through the subdivision approval process.
- B. **Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with the minimum gross area shown in [Table 2-5 \(Minimum Lot Area/Building Site Area\)](#). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot, except for a fraction lot.

Table 2-5 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
MT-GAV-100	100 acres
MT-GAV-320	320 acres
MT-GOL-40	40 acres
MT-GOL-100	100 acres
MT-GOL-320	320 acres
MT-TORO-40	40 acres
MT-TORO-100	100 acres
MT-TORO-320	320 acres
RMZ-40	40 acres
RMZ-100	100 acres
RMZ-320	320 acres

35.22.050 - Resource Protection Zones Development Standards

- A. **General development standards.** Development within the Resource Protection zones shall be designed, constructed, and established in compliance with the requirements in Table 2-6 (MT and RMZ Zones Development Standards), below and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~
- B. **Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-6 - MT and RMZ Zones Development Standards

Development Feature	Requirement by Zone		
	MT-GAV Mountainous - Gaviota & MT-GOL Mountainous - Goleta	MT-TORO Mountainous - Toro Canyon	RMZ Resource Management
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) ; plus agricultural employee housing, where allowed by Table 2-1 and applicable standards.	One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) .	One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) .
	The lot shall also comply with Section 35.22.040 (Resource Protection Zones Lot Standards) , as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front	50 ft from the road centerline and 20 ft from the lot lines.		
Side	None.		
Rear	None.		
Building separation	5 ft.		5 ft.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft.		
Landscaping	See Chapter 35.34 (Landscaping Standards) .		
Parking	See Chapter 35.36 (Parking and Loading Standards) .		
Signs	See Chapter 35.38 (Sign Standards) .		

35.22.060 - Resource Protection Zones Findings for Project Approval

The approval of a Conditional Use Permit or Minor Conditional Use Permit in a Resource Protection zone shall require that the review authority first make the applicable findings in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), including any specific findings required for the applicable zone.

CHAPTER 35.23 - RESIDENTIAL ZONES

Sections:

- 35.23.010 - Purpose
- 35.23.020 - Purposes of the Residential Zones
- 35.23.030 - Residential Zones Allowable Land Uses
- 35.23.040 - Residential Zones Lot Standards
- 35.23.050 - Residential Zones Development Standards
- 35.23.060 - DR Zone Standards
- 35.23.070 - EX-1 Zone Standards
- 35.23.080 - MHP Zone Standards
- 35.23.090 - MHS Zone Standards
- 35.23.100 - PRD Zone Standards
- 35.23.110 - SLP Zone Standards
- 35.23.120 - ~~Reserved~~ SR-M and SR-H Zones Standard
- 35.23.130 - MR-O Zone Standards

35.23.010 - Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.23.020 - Purposes of the Residential Zones

The purposes of the individual residential zones and the manner in which they are applied ~~to the Inland area and the Coastal Zone of the County~~ are as follows.

- ~~A.~~ **RR (Rural Residential) Coastal Zone.** ~~The RR zone is applied within the Coastal Zone within Rural Areas as designated on the Coastal Land Use Plan maps that are generally of marginal agricultural value where low density residential and agricultural uses are appropriate. This zone is intended to preserve the rural character of an area and provide for low density residential development.~~
- BA. RR (Residential Ranchette) Inland area.** The RR zone is applied within the Inland area within Urban, Inner-Rural and Existing Developed Rural Neighborhood areas as designated on the Comprehensive Plan maps where low density residential and agricultural uses are appropriate. This zone is intended to preserve the character of an area and to minimize the services required by providing for low density residential development.
- CB. R-1/E-1 (Single Family Residential) zone.** The R-1 and E-1 zones are applied to areas appropriately located for one-family living at a reasonable range of population densities, consistent with sound standards of public health, safety, and welfare. This zone is intended to protect the residential characteristics of an area and to promote a suitable environment for family life.
- DC. EX-1 (One-Family Exclusive Residential) zone.** The EX-1 zone is applied to areas appropriate for high standards of residential estate development on lots larger than one acre. The intent is to ensure that development protects the residential character of the area and is consistent with sound standards that promote public health, safety, and welfare.
- ED. R-2 (Two-Family Residential) zone.** The R-2 zone is applied to areas appropriate for residential development in the form of two-family dwellings (duplexes) and to maintain a residential character similar to that of one-family neighborhoods. This zone is intended to ensure the compatibility of duplex development with surrounding multiple and one-family dwellings and neighborhoods.
- FE. DR (Design Residential) zone.** The DR zone is applied to areas appropriate for one-family, two-family,

and multi-family dwellings. This zone is intended to ensure comprehensively planned and well designed residential development, while allowing flexibility and encouraging innovation and diverse design, and requiring that substantial open space be maintained within new residential developments.

GF. PRD (Planned Residential Development) zone. The PRD zone ensures the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps that are intended primarily for residential use. The intent of this zone is to:

1. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;
2. Encourage clustering of structures to preserve a maximum amount of open space;
3. Allow for a diversity of housing types; and
4. Provide recreational opportunities for use by both the residents of the site and the public.

HG. SLP (Small Lot Planned Development) zone. SLP zone is applied to areas appropriate for increased opportunities for affordable housing, and establishes standards for the development of individual small lots for one-family homes. The intent of this zone is to:

1. Provide housing opportunities which meet the needs of the community, including housing for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need; and
2. Ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for small lot planned development.

~~**I. SR-M (Medium Density Student Residential) zone.** SR-M zone is applied within the Coastal Zone to areas appropriate for residential development within the context of a student oriented community. The intent is to provide for multiple residential development at moderate densities to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety, and allow for a more efficient utilization of open space.~~

~~**J. SR-H (High Density Student Residential) zone.** SR-H zone is applied within the Coastal Zone to areas appropriate for residential development within the context of a student oriented community. The intent is to provide for multi-family residential development at higher densities, to mitigate potential adverse impacts on traffic, parking, open space, aesthetics, health, and safety and to encourage combining substandard lots to allow for more efficient utilization of space. The provision of affordable housing within this zone shall be encouraged.~~

KH. MHP (Mobile Home Planned Development) zone. The MHP zone is applied to areas appropriate for mobile homes on non-permanent foundations, in planned developments including mobile home rental parks and mobile home statutory (air space) condominiums. The intent is to meet community needs by providing affordable housing opportunities. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping design for mobile home developments.

LI. MHS (Mobile Home Subdivision) zone. The MHS zone is applied to areas appropriate for increasing opportunities for affordable housing, and established standards for the development of mobile home subdivisions. To this end, the intent of this MHS zone is to meet community needs by providing housing opportunities for low, moderate, and middle income households, families with children, senior citizens, and other identified households in need. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping for mobile home developments.

MJ. MR-O (Multi-Family Residential - Orcutt) zone. The MR-O zone is applied to areas located within the Orcutt Community Plan that are appropriate for new high quality multi-family residential opportunities at densities considered by state law to be affordable by design to very low and low-income households. The

regulations will ensure projects located in this zone will provide safe, aesthetically pleasing and desirable new residential neighborhoods that are compatible with existing developments. To achieve these purposes, this zone incorporates a number of basic, self-mitigating design components that promote quality design and efficient land use, the provision of open space, energy conservation, and recreational opportunities for residents and families. In addition, the regulations provide certainty to property owners, developers, and neighbors about the type of development and density allowed on these two sites. The application of the MR-O zone to Orcutt Community Plan Key Sites 3 and 30 will allow the development of not less than 372 multi-family housing units. The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private and public rights-of-way and except as required by state law.

35.23.030 - Residential Zones Allowable Land Uses

- A. General permit requirements.** Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) identify the uses of land allowed by this Development Code in each residential zone, and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column (“Specific Use Regulations”) in Tables 2-7, 2-8, and 2-9 (Allowed Land Uses and Permit Requirements for the Residential Zones) includes a Section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit or Land Use Permit~~, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Except as provided below, Final Development Plan approval is required in compliance with [Section 35.82.080 \(Development Plans\)](#) prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearance\)](#) as follows:
- 1. RR, R-1/E-1, EX-1 and R-2 zones.** Except as provided below in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), Final Development Plan approval is required prior to the approval of a Land Use Permit or the issuance of an Exemption or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
 - a. Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
 - 2. DR zone.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for all development within the DR zone, including grading, except that the following:
 - a. One one-family dwelling and its accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in [Section 35.23.040 \(Residential Zones Development Standards\)](#).
 - b. One accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
 - c. Orchards, vegetable and flower gardens, raising of field crops and uses and structures

accessory and customarily incidental thereto.

3. **MHP, MHS and SLP zones.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for all development, including grading within the MHP, MHS, and SLP zones except for the development of one accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
 4. **PRD zone.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for all development, including grading, within the PRD zone, except for the following:
 - a. One accessory dwelling unit per lot approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
 - b. Orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto subject to the development standards of the PRD zone.
- D. Design Review required.** Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of an existing structure in compliance with [Section 35.82.070 \(Design Review\)](#).
- E. Accessory structures and uses.** Each use allowed by Tables 2-7, 2-8, and 2-9 (Allowed Land uses and Permit Requirements for Residential Zones) may include accessory structures and uses that are customarily incidental to the primary use, provided that the accessory structures and uses are:
1. Within the R-1/E-1, EX-1, R-2, DR, MR-O, SLP, SR-M and SR-H zones, when accessory to dwellings are for the exclusive use of the residents of the site and their guests and do not involve a commercial enterprise on the site; and
 2. In compliance with all applicable requirements of this Development Code, including standards for specific uses and structures in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P		P		P		35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S		S		S		35.42.060
Aquaculture	CUP		—		—		35.42.070
Cannabis – Cultivation, nursery, and microbusiness	—		—		—		
Cultivated agriculture, orchard, vineyard	E		E		E		
Greenhouse, 300 sf or less	P		P		P		35.42.140
Greenhouse, more than 300 sf to 800 sf	CUP		MCUP		MCUP		35.42.140
Greenhouse, 800 sf or more	CUP		—		—		35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP		CUP		CUP		35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)		P(3)		P(3)		35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP		CUP		CUP		35.82.160
Oil and gas uses	S		—		—		35.5

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	—	—	P	P	P	P	
Conference center	—	—	CUP	CUP	—	—	
Country club	CUP	—	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	—	—	
Fairgrounds	CUP	CUP	CUP	CUP	—	—	
Golf course	CUP	CUP	CUP	CUP	P	P	
Golf driving range	CUP	CUP	CUP	CUP	CUP	CUP	
Library	—	—	CUP	CUP	—	—	
Meeting facility, public or private	CUP	—	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	—	
Meeting room accessory to organization house	—	—	—	—	—	—	
Museum	CUP	—	CUP	CUP	—	—	
Park, playground - Commercial	—	—	—	—	—	—	
Park, playground - Private	—	—	—	—	P	P	
Park, playground - Public	—	—	P	P	P	P	
Private residential recreational facility	—	—	—	—	—	—	
School	CUP	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	—	—	

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

RESIDENTIAL USES

Accessory dwelling unit	S		S		S		35.42.015
Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		P		35.42.135
Farmworker housing complex	CUP		MCUP		MCUP		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S		S		S		35.42.090

RETAIL TRADE

Agricultural product sales, onsite production only	P		MCUP		—		35.42.050
Cannabis – Retail	—		—		—		
Convenience store	—		—		—		
Drive-through facility, accessory to permitted use	—		—		—		
Visitor-serving commercial	—		—		—		

Key to Zone Symbols

RR	Rural Residential Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	—	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	—	
Child care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	CUP	CUP	—	—	35.42.130
Lodging - Homestay	P	—	P	—	P	—	35.42.193
Lodging - Hostel	CUP	—	CUP	—	—	—	
Lodging - Hotel or motel	—	—	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	—	
Mausoleum	CUP	—	CUP	CUP	—	—	
Medical services - Clinic	—	—	CUP	CUP	—	—	
Medical services - Extended care	—	—	CUP	CUP	—	—	
Medical services - Hospital	—	—	CUP	CUP	—	—	
Mortuary	—	—	—	CUP	—	—	35.42.120
Mortuary, accessory to cemetery	CUP	—	CUP	CUP	—	—	35.42.120
Music recording studio	—	—	CUP	—	—	—	
Personal services	—	—	—	—	—	—	
Resort visitor-serving facilities	—	—	—	—	—	—	

Key to Zone Symbols

RR	Rural Residential /Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	RR	R-1/E-1	EX-1	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	—	
Airstrip, private and temporary	CUP	CUP	—	
Airstrip, temporary	—	—	—	
Cannabis - Distribution	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	—	
Electrical substation - Minor (3)	MCUP	MCUP	CUP	
Electrical substation - Major	—	—	CUP	
Electrical transmission line (4) (5)	CUP	CUP	—	
Flood control project, less than 20,000 sf total area (65)	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	—	
Heliport	CUP	CUP	—	
Parking facility, commercial, for residential use	—	—	—	
Pipeline - Oil and gas	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (65)	P	P	P	
Road, street, 20,000 sf or more total area (65)	P	P	P	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	
Telecommunications facility	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	—	—	
Utility service line with 5 or more connections(4)	—	—	—	
Wind turbines and wind energy systems	S	S	S	35.57

Key to Zone Symbols

RR	Rural Residential /Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) ~~Not allowed in the VC overlay.~~
- (65) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP		MCUP		
Onsite wastewater treatment system, individual, conventional	E		E		E		
Onsite wastewater treatment system, individual, supplemental	E		E		E		
Pipeline - Water, reclaimed water, wastewater,	P	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	MCUP	P	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	—	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	CUP	
Water diversion project	P	MCUP	P	MCUP	P	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	—	—	
Water system with 1 connection	E	P	E	P	E	P	
Water system with 2 to less than 5 connections	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	—	MCUP	
Water well, agricultural	E	P	E	P	E	P	

Key to Zone Symbols

RR	Rural Residential Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	P		P		—	P		35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S		S		S	S		35.42.060
Aquaculture	—		—		—	—		
Cannabis – Cultivation, nursery, and microbusiness	—		—		—	—		
Cultivated agriculture, orchard, vineyard	E		E		—	E		
Greenhouse, 300 sf or less	P		P		—	—		35.42.140
Greenhouse, greater than 300 sf to 800 sf	MCUP		—		—	—		35.42.140
Greenhouse, 800 sf or more	—		—		—	—		
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP		CUP		—	CUP		35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)		P(3)		—	P(3)		35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP		CUP		—	CUP		35.82.160
Oil and gas uses	—		—		—	—		

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	P	P	P	P	—	—	—	
Conference center	CUP	CUP	CUP	CUP	—	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	—	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	—	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	—	CUP	CUP	
Golf course	CUP	CUP	P	P	—	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	—	CUP	CUP	
Library	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	—	CUP	CUP	
Meeting room accessory to organizational house	—	—	—	—	—	—	—	
Museum	CUP	CUP	CUP	CUP	—	CUP	CUP	
Park, playground - Commercial	—	—	—	—	—	CUP	CUP	35.23.100.G
Park, playground - Private	—	—	—	—	—	P	P	
Park, playground - Public	P	P	P	P	—	—	—	
Private residential recreation facility	—	—	P	P	ZC	P	P	
School	CUP	CUP	CUP	CUP	—	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	—	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	—	CUP	CUP	35.23.100.G

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

RESIDENTIAL USES

Accessory dwelling unit	S		S		S	S		35.42.015
Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P	
Dwelling, two-family	P	P	P	P	—	P	P	
Dwelling, multiple	—	—	P	P	ZC	P	P	
Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		—	P		35.42.135
Farmworker housing complex	MCUP		P		—	—		35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S		S		S	S		35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	MCUP		MCUP		—	MCUP		35.42.050
Cannabis – Retail	—		—		—	—		
Convenience store	—		—		—	CUP		35.23.100.G
Drive-through facility, accessory to permitted use	—		—		—	CUP		35.42.130
Visitor-serving commercial	—		—		—	—		35.23.100.H

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	—	CUP	CUP	
Large family day care home	P	P	P	P	—	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Day care center, Non-residential accessory	—	—	P	P	ZC	P	P	35.42.090
Day care center, residential	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.130
Lodging - Homestay	P	—	P	—	P	P	—	35.42.193
Lodging - Hostel	CUP	—	CUP	—	—	CUP	—	
Lodging - Hotel or motel	—	—	—	—	—	—	CUP	35.23.100.H
Lodging - Short-term rental	—	—	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	—	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	CUP	CUP	
Mortuary	—	CUP	—	CUP	—	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	—	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	—	—	CUP	—	
Personal services	—	—	—	—	—	CUP	CUP	35.23.100.G
Resort visitor-serving	—	—	—	—	—	—	P(3)	

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) ~~Where allowed by the Coastal Land Use Plan.~~

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	ZC	Zoning Clearance			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-2	DR	MR-O	PRD	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	—	CUP	
Airstrip, private and temporary	CUP	CUP	—	CUP	
Airstrip, temporary	—	—	—	—	
Cannabis – Distribution	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUO	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	—	CUP	
Parking facility, commercial, for residential use	—	—	—	—	
Pipeline - Oil and gas	P	P	—	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (5)	P	P	P	P	
Road, street, 20,000 sf or more total area (5)	P	P	P	P	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	—	—	—	
Utility service line with 5 or more connections (4)	—	—	—	—	
Wind turbines and wind energy systems	S	S	—	S	35.57

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential		
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- ~~(5) Not allowed in the VC overlay.~~
- ~~(65) Not applicable to facilities constructed by the County outside of the Coastal Zone.~~

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	ZC	Zoning Clearance						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
	LAND USE (1)	PERMIT REQUIRED BY ZONE						
R-2		R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP		—	MCUP		
Onsite wastewater treatment system, individual, conventional	E		E		—	E		
Onsite wastewater treatment system, individual, supplemental	E		E		—	E		
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	P	P	P	—	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	MCUP	—	P	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	CUP	CUP	
Water diversion project	P	MCUP	P	MCUP	—	P	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	—	CUP	CUP	
Water system with 1 connection	E	P	E	P	—	E	P	
Water system with 2 to less than 5 connections	MCUP	MCUP	P	MCUP	—	P	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	—	MCUP	MCUP	
Water well, agricultural	E	P	E	—	—	E	—	

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).

Table 2-9 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—			—		—	35.42.020
Animal keeping (except equestrian facilities - see RECREATION)	S			S		S	35.42.060
Aquaculture	—			—		—	
Cultivated agriculture, orchard, vineyard	—			—		—	
Cannabis – Cultivation, nursery, and microbusiness	—			—		—	
Greenhouse, 300 sf or less	—			—		—	35.42.140
Greenhouse, 300 sf to 800 sf	—			—		—	35.42.140
Greenhouse, 800 sf or more	—			—		—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP			CUP		CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)			P(3)		P(3)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP			CUP		CUP	35.82.160
Oil and gas uses	—			—		—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Community center	—	P	P	—	—	—	
Conference center	CUP	CUP	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	CUP	CUP	
Equestrian facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	CUP	CUP	
Library	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	CUP	
Meeting room accessory to organizational house	CUP	MCUP	MCUP	—	—	—	
Museum	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground - Commercial	—	—	—	—	—	—	
Park, playground - Private	P	P	P	P	P	P	
Park, playground - Public	—	P	P	—	—	—	
Private residential recreation facility	P	P	P	P	P	P	
School	CUP	CUP	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	CUP	CUP	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

RESIDENTIAL USES

Accessory dwelling unit	S			—		—	35.42.015
Dwelling, one-family	P(3)	P	P	—	—	—	
Dwelling, two-family	—	P	P	—	—	—	
Dwelling, multiple	—	P	P	—	—	—	
Emergency shelter	—	—	P	—	—	—	
Farmworker dwelling unit	P			—		—	35.42.135
Farmworker housing complex	—			—		—	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	
Home occupation	P	P	P	—	—	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	—	—	—	P	P	P(5)	
Modular home	—	—	—	—	—	P	
Monastery	CUP	—	—	CUP	—	CUP	
Organizational house (sorority, monastery, etc.)	—	—	P	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	P	P	—	35.42.220
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S			S		S	35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	—			—		—	35.42.050
Cannabis - Retail	—			—		—	
Convenience store	—			—		—	
Drive-through facility, accessory to permitted use	—			—		—	
Visitor-serving, commercial	—			—		—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See [Section 35.23.080 \(Mobile Home Park zone standards\)](#).
- (5) Mobile home must be on a permanent foundation, see [Section 35.42.205](#)

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal-Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

SERVICES

Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	—	—	—	35.42.090
Day care center, Residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Drive-through facility, accessory to permitted use	—	—	—	—	—	—	
Kennel, animal boarding, commercial	—	—	—	—	—	—	
Kennel, private	—	—	—	—	—	—	
Lodging - Homestay	P	—	—	P	—	P	35.42.193
Lodging - Hostel	CUP	—	—	CUP	—	CUP	
Lodging - Hotel or motel	—	—	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	CUP	
Mortuary	—	CUP	CUP	—	CUP	—	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	—	CUP	—	CUP	
Personal services	—	—	—	—	—	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	SLP	MHP	MHS	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	
Cannabis - Distribution	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	
Electrical transmission line (4) (5)	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	
Parking facility, commercial, for residential use	—	—	—	
Pipeline - Oil and gas	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (65)	P	P	P	
Road, street, 20,000 sf or more total area (65)	P	P	P	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	
Telecommunications facility	S	S	S	35.44
Utility service line with less than 5 connections (4)	—	—	—	
Utility service line with 5 or more connections (4)	—	—	—	
Wind turbines and wind energy systems	S	S	S	35.57

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.23.030.C.
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) ~~Not allowed in the VC overlay.~~
- (65) ~~Not applicable to facilities constructed by the County outside of the Coastal Zone.~~

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	—			—		—	
Onsite wastewater treatment system, individual, conventional	—			—		—	
Onsite wastewater treatment system, individual, supplemental	—			—		—	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	MCUP	P	MCUP	P	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than connections	CUP	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	MCUP	P	MCUP	P	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	P	P	E	P	E	
Water system with 2 to less than 5 connections	P	MCUP	MCUP	P	MCUP	P	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water trucking facility, commercial	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	P	P	—	P	—	

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).

35.23.040 - Residential Zones Lot Standards

A. Minimum lot size.

1. **Minimum area and width.** Each lot in a proposed subdivision shall comply with the minimum lot area and width requirements in Table 2-10 (Minimum Lot Size and Minimum Building Site Area). Area requirements are gross or net as noted, minimum lot widths are gross or net, as noted. (Note that lot width is defined differently in the EX-1 zone than other zones, see the definition of “Lot Width, Gross” in [Article 35.11 \(Glossary\)](#)).
2. **Minimum depth.** Minimum lot depth shall be determined by the review authority through the subdivision approval process; except that minimum lot depth in the SLP zone shall be 80 feet.

B. Minimum building site area for residential use. Each primary dwelling and it’s allowed accessory structures shall be located on a lot with the minimum area and width shown in Table 2-10 (Minimum Lot Size and Minimum Building Site Area), except that:

1. A dwelling and its accessory structures and uses may be located on a lot of less area, except for a fraction lot; and
2. A dwelling and its accessory structures and uses may be located on a lot of less width.

C. Minimum building site area for residential use - Summerland. Within the Summerland Community Plan area, a minimum net lot area of 10,000 square feet is required for the development of a two-family dwelling in a 10-R-2 zone, instead of the minimum building site area required by Subsection B. (Minimum building site area for residential use) above.

Table 2-10 - Minimum Lot Size and Minimum Building Site Area

Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width	Zoning Map Symbol	Minimum Lot and Building Site Area	Minimum Lot Width
RR-5	5 acres gross	250 ft gross	1.5-EX-1	1.5 acres gross	150 ft gross (1)
RR-10	10 acres gross	250 ft gross	2.5-EX-1	2.5 acres gross	200 ft gross (1)
RR-15	15 acres gross	250 ft gross	3.5-EX-1	3.5 acres gross	225 ft gross (1)
RR-20	20 acres gross	250 ft gross	7-R-2	7,000 sf net	65 ft net
RR-40	40 acres gross	250 ft gross	8-R-2	8,000 sf net	75 ft net
RR-100	100 acres gross	250 ft gross	10-R-2	10,000 sf net	80 ft net
7-R-1	7,000 sf net	65 ft net	12-R-2	12,000 sf net	80 ft net
8-R-1	8,000 sf net	75 ft net	15-R-2	15,000 sf net	90 ft net
10-R-1	10,000 sf net	80 ft net	20-R-2	20,000 sf net	100 ft net
12-R-1	12,000 sf net	80 ft net	30-R-2	30,000 sf net	110 ft net
15-R-1	15,000 sf net	90 ft net	DR (2)	Determined by Final Development Plan	
20-R-1	20,000 sf net	100 ft net	PRD	None; see 35.23.100	
1-E-1	1 acre gross	120 ft net	SLP	4,000 sf net	50 ft net
2-E-1	2 acres gross	150 ft net	SR-M	7,000 sf net	65 ft net
3-E-1	3 acres gross	210 ft net	SR-H	7,000 sf net	65 ft net
5-E-1	5 acres gross	270 ft net	MHP	See Section 35.23.080	
10-E-1	10 acres gross	380 ft net	MHS	See Section 35.23.090	
			MR-O	See Section 35.23.130	

Notes:

- (1) Lot width is defined differently for the EX-1 zone than other zones. See the definition of “Lot Width, Gross” in [Article 35.11 \(Glossary\)](#).
- (2) The DR zoning map symbol is accompanied by a number that specifies the allowable number of units per gross acre, see Table 2-12 (DR Zone Maximum Density).

35.23.050 - Residential Zones Development Standards

- A. General development standards.** Development within the residential zones shall be designed, constructed, and established in compliance with the requirements in Table 2-11 (Residential Zones Development Standards) below and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~
- B. Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-11 - Residential Zones Development Standards

Development Feature	Requirement by Zone		
	RR Residential Ranchette	R-1/E-1 Single Family Residential	EX-1 One-Family Exclusive Residential
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	One one-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) ; Agricultural employee housing and farmworker housing if allowed by Section 35.23.030 (Residential Zones Allowable Land Uses) . The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards) , as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft from road centerline and 20 ft from right-of-way, or 20 ft from private easement serving 5 or more lots. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)		75 ft from road centerline; 125 ft from centerline of road with right-of-way of 80 ft or more.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone) .		
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	10% of lot width; except where zoned for minimum lot area of: 2 acre or less - 5 ft minimum, 10 ft maximum required; 3 acre or more - 10 ft minimum, 20 ft maximum required.	25 ft; see Section 35.23.070 (EX-1 Zone Standards) for a lot less than 150 ft wide.
Rear	20 ft; 25 ft on a lot of less than 1 acre.	25 ft; 15 ft if rear abuts permanent open space or a street without access.	25 ft.
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses) .		
Building separation	None, except as required by Building Code.	5 ft between a dwelling or guesthouse, and another detached structure; otherwise none, except as required by Building Code..	
Height limit	<i>Maximum allowable height of structures except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft. Toro Canyon Plan area - 25 ft for a residential structure.	35 ft. Toro Canyon Plan area - 25 ft. for a residential structure. Summerland Community Plan area - 25 ft. for a residential structure in the Urban area and Existing Developed Rural Neighborhoods. 16 ft. in the Rural area. See Section 35.28.210 (Community Plan Overlays) .	30 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards)		
Parking	See Chapter 35.36 (Parking and Loading Standards)		
Signs	See Chapter 35.38 (Sign Standards)		

Table 2-11 - Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	R-2 Two-Family Residential	DR Design Residential	PRD Planned Residential Development
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	One one-family dwelling or one two-family dwelling per lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Section 35.23.060 (DR Zone Standards); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	As specified in the Land Use Element; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft from road centerline and 20 ft from right-of-way, or 20 ft from easement serving 5 or more lots.	20 ft from right-of-way, or 20 ft from easement serving 5 or more dwellings.	As determined by Final Development Plan.
Front – Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or greater - same as primary front setback.		
Side	10% of lot width, with no less than 5 ft or more than 10 ft required.	10 ft (1).	
Rear	25 ft; 15 ft if rear abuts permanent open space or a street without access.	10 ft (1).	
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	5 ft between a dwelling and other detached structure.	5 ft between a habitable structure and another structure.	
Site coverage	<i>Maximum percentage of net site area covered by buildings.</i>		
Maximum coverage	N.A.	30% for structures containing dwelling units. (2)	30% for structures containing dwelling units; 50% for all structures.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations).</i>		
Maximum height	35 ft.	35 ft; 25 ft for a residential structure within the Toro Canyon Plan area. (2)	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Notes:

- (1) Except where a larger setback is required by the Commission for light, air, or privacy in the review of a discretionary planning permit.
- (2) See Section 35.23.060.D for site coverage and height limit standards for qualifying affordable housing, senior housing, or special care housing developments.

Table 2-11 - Residential Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	SLP Small Lot Planned Development	MHP & MHS Mobile Home Planned Development, Mobile Home Subdivision	MR-O Multi-family Residential - Orcutt
Minimum lot size	<i>Minimum area and width for lots proposed in new subdivisions.</i>		
Area, width	See Section 35.23.110 (SLP Zone Standards).	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
	See Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	One one-family dwelling per lot; 7 dwellings per acre; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	SLP perimeter lot - 50 ft from road centerline; and 20 ft from right-of-way. SLP interior lot - 10 ft.	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Front - Secondary	SLP perimeter lot - Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or greater - Same as primary front setback. SLP interior lot - 10 ft..	Lot width less than 100 ft - 20% of lot width, 10 ft min.; Lot width 100 ft or greater - Same as primary front setback.	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Side	SLP perimeter lot - 15 ft. SLP interior lot - 5 ft; 10 ft where setback abuts a road, public parking area or walk; See Section 35.23.110.B (Side setbacks and building separation).	See Section 35.23.080 (Mobile Home Parks) and Section 35.23.090 (Mobile Home Subdivisions).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Rear	SLP perimeter lot - 15 ft. SLP interior lot - 10 ft.		
Accessory structures	See Section 35.42.020 (Accessory Structures and Uses).		
Building separation	5 ft between a habitable structure and any other building, none otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	60% for all a lot with a one-family dwelling; no maximum otherwise.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHS Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 for height measurement requirements, and height limit exceptions.</i>		
Maximum height	25 ft.	See Section 35.23.080 (MHP Zone Standards) and Section 35.23.090 (MHP Zone Standards).	See Section 35.23.130 (Multi-family Residential - Orcutt Zone Standards).
Landscaping	See Chapter 35.34 (Landscaping Standards)		
Parking	See Chapter 35.36 (Parking and Loading Standards)		
Signs	See Chapter 35.38 (Sign Standards)		

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

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

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

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

- (a) There is a valid building permit or planning permit in effect for the construction project; and
- (b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

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

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

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

a. Area occupied by stored materials.

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

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
1 acre or larger	1,000 sq. ft.

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.
- b. Maximum height of stored materials:** Five feet.
- c. Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.
- d. Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas in compliance with [Section 35.23.050 \(Residential Zones Development Standards\)](#).
- e. Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- f. Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) as allowed by Subsection C.2.e, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 25.108 \(Enforcement and Penalties\)](#).
- D. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Subsection D) on a motor vehicle is allowed only in compliance with the following standards. This Subsection D. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection D. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#).
 3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection C. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#).
 4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
 5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections D.1 through D.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

6. **Noncompliance deemed a violation of this Development Code.** As of June 1, 2012, any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections D.1 through D.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) as allowed by Subsection D.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 25.108 \(Enforcement and Penalties\)](#).

35.23.060 - DR Zone Standards

Proposed development and new land uses within the DR zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. **Maximum lot size and density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-12 (DR Zone Maximum Density) for each DR zoning designation shown in Table 2-12 (DR Zone Maximum Density).

Table 2-12 - DR Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre
DR-0.1	0.1
DR-0.2	0.2
DR-0.33	0.33
DR-0.5	0.5
DR-1	1
DR-1.5	1.5
DR-1.8	1.8
DR-2	2
DR-2.5	2.5
DR-3	3
DR-3.3	3.3
DR-3.5	3.5
DR-4	4
DR-4.6	4.6
DR-5	5
DR-6	6
DR-7	7
DR-8	8
DR-9	9
DR-10	10
DR-12	12
DR-12.3	12.3
DR-14	14
DR-16	16
DR-20	20
DR-25	25
DR-30	30

B. **Open space.**

1. **Minimum area.** Except for developments that are permitted in compliance with Subsection D (Affordable housing, senior housing, or special care housing developments), below, a minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space.
2. **Title to open space area.** Title to the common open space, common recreational facilities, common parking areas and private streets shall be held by a non-profit association of all homeowners within the project area, or other non-profit individual or entity on such reasonable terms and conditions as

the Board may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved Final Development Plan for the project. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to these areas.

C. Condominiums, stock cooperatives, community apartments—~~Inland area. In the Inland area only,~~ The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, and community apartment project where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#) within the DR zone.

1. **Laundry facilities.** Each dwelling unit shall be provided separate laundry facilities. The Final Development Plan shall show sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking.
 - a. **Affordable housing projects.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for each four dwelling units contained within the same structure.
2. **Open space.**
 - a. **Common.** Common open space and recreation areas shall be designed to provide access for the handicapped.
 - b. **Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement may be satisfied by providing only one patio or balcony for the dwelling unit.
3. **Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space onsite in addition to the storage space of closets, cabinets, and pantries contained within the dwelling units.
4. **Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would conflict with an innovative energy efficient or resource conserving utility system designed for the project.

D. Affordable housing, senior housing, or special care housing developments. This subsection provides revised development standards for height limit, open space, parking, and site coverage in order to provide incentives and greater flexibility for certain affordable housing, senior housing, or special care housing developments proposed on lots zoned DR consistent with Program 1.16 of the 2015-2023 Housing Element.

1. **Applicability.** This Subsection D (Affordable housing, senior housing, or special care housing developments) shall only apply to projects that comply with the types of development specified below:
 - a. **Affordable housing.** For the purposes of this section, affordable housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site) dedicated and restricted to housing affordable to low-income households, very low-income households, and/or extremely low-income households, as defined in Table 2.7, page 2-11 of the Santa Barbara County 2015-2023 Housing Element Update.
 - b. **Senior housing.** For the purposes of this section, senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the

development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to housing at least one senior person. For the purposes of this section, a senior person is defined as someone 55 years of age or older.

- c. **Affordable senior housing.** For the purposes of this section, affordable senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in [Section 35.23.060.D.1.a](#), above) for seniors (as defined in [Section 35.23.060.D.1.b](#), above).
 - d. **Mixed affordable housing and senior housing.** For the purposes of this section, mixed affordable housing and senior housing is defined as housing developments with all housing units (excluding units inhabited by employees of the development living on-site and/or units inhabited by people as required for consistency with federal, state, and/or local fair housing law) dedicated and restricted to affordable housing (as defined in [Section 35.23.060.D.1.a](#), above), senior housing (as defined in [Section 35.23.060.D.1.b](#), above), and/or affordable senior housing (as defined in [Section 35.23.060.D.1.c](#), above).
 - e. **Special care housing.** For the purposes of this section, special care as defined in [Section 35.110.020](#) (Definitions of Specialized Terms and Phrases).
2. **Modified development standards for qualifying projects.** The following development standards regarding height limit, open space, parking, and site coverage shall apply to projects developed in compliance with this Subsection D (Affordable housing, senior housing, or special care housing developments) instead of the respective standards listed in Table 2-11 (Residential Zones Development Standards), Subsection B (Open space), above, and Chapter 35.36 (Parking and Loading Standards). These modified development standards shall be considered the site development standards for calculating density bonuses and granting incentives or concessions in compliance with the California Density Bonus Law (Government Code Section 65915 - 65918) and the Density Bonus Program (see [Chapter 35.32, Density Bonus for Affordable Housing](#)).
- a. **Height limit.** 40 feet for projects located outside the Toro Canyon Plan area.
 - b. **Open space.** A minimum of 30 percent of the net site area shall be reserved for the life of the project as common open space and/or public open space.
 - (1) **Calculation of common open space.** Common open space may also include the areas listed below in addition to the areas listed in the definition of common open space in [Section 35.110.020 \(Definitions of Specialized Terms and Phrases\)](#). Hard surfaced sidewalks located outside of common open space areas shall not qualify as common open space.
 - (a) Community patios.
 - (b) Deck or patios associated with swimming pools located within common open space areas.
 - (c) Detention basins that function as common open space.
 - (d) Hard surfaced sidewalks when located within common open space areas.
 - (2) **Calculation of public open space.** Public open space may also include the areas listed below in addition to the areas listed in the definition of public open space in [Section 35.110.020 \(Definitions of Specialized Terms and Phrases\)](#).
 - (a) Detention basins that function as public open space.
 - (3) **Title to open space area.** Title to the common open space, common recreational

facilities, common parking areas and private streets shall be held in accordance with [Section 35.23.060.B.2.](#)

c. Parking. Parking requirements shall be as follows:

Residential Development	Parking Spaces Required
Affordable housing - single bedroom or studio units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing - 2 bedroom units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable housing - 3 bedroom, or more, units	1.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - single bedroom or studio units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - 2 bedroom units	0.5 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Affordable senior housing - 3 bedroom, or more, units	1.25 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing - single bedroom or studio unit	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Senior housing - 2 bedroom units	0.75 spaces/dwelling unit and; 1 space/5 dwelling units (visitor and employee parking)
Special care home (1)	1 space/3 beds and; 1 space/3 employees

Notes:

- (1) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

(1) Contingency parking plan.

- (a) A contingency parking plan shall be submitted with all applications proposing to utilize these modified parking standards. The contingency parking plan shall demonstrate that the proposed development can be modified to provide parking as required irrespective of [Section 35.23.060.D.](#) Space required for the contingency parking plan shall not count toward the open space requirement for the proposed development.
- (b) Applicants shall evaluate parking post-occupancy and shall submit annual post-occupancy parking evaluations to the County during the first three years of occupancy. The County may require the submittal of additional annual parking evaluations if the units are not fully occupied within three years. The evaluations shall compare actual parking demand to existing parking supply and address the occupancy rate of the development. If the County determines that the number of existing parking spaces is less than actual parking demand, the applicant shall implement the contingency parking plan and construct additional parking spaces.

d. Maximum site coverage. 40 percent of the net site area for structures containing residential uses.

3. Requirement to record an affordable housing agreement and resale and rental restrictive covenant for affordable housing and senior housing projects. Prior to issuance of a Land Use

Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for an affordable housing project or senior housing project, each project shall record, as applicable:

- a. **Affordable housing projects.** An affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the following: the sales and/or rental prices for the various types of units to be established; and provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by target households. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.
- b. **Senior housing projects.** A senior housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines the provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure the continued availability, for a minimum of 45 years, restarting for up to 90 years upon resale of a unit, of units for purchase or occupancy by seniors. In addition, the running of the covenant, or other equivalent document approved as to form by the County Counsel, shall be tolled during any period of violation of said document's terms.

35.23.070 - EX-1 Zone Standards

Proposed development and new land uses within the EX-1 zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. **Setbacks.** On a lot less than 150 feet wide, no more than one-third of the total lot width shall be required for the total side yard setbacks in compliance with Table 2-11 (Residential Zones Development Standards). The reduced setbacks shall be equal in width on both sides of the lot for non-corner lots and equally reduced on both sides for corner lots. These reduced setbacks shall not apply to accessory buildings such as stables.

35.23.080 - MHP Zone Standards

Proposed development and new land uses within the MHP zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. **Density.** The maximum allowable density within the MHP zones shall comply with the Comprehensive Plan.
- B. **Park perimeter setbacks.** The following minimum setbacks for structures shall apply to the perimeters of a mobile home park.
 1. **Front.**
 - a. ~~Coastal Zone.~~ 20 feet from the right-of-way line of any street.
 - b. ~~Inland area.~~ 50 feet from the centerline and 20 feet from the right-of-way line of any street.
 2. **Side and rear.** 15 feet from the side or rear property lines of the mobile home park; ~~except that within the Coastal Zone, a 25-foot wide landscaped buffer shall be provided along any mobile home park property line that abuts a lot zoned residential.~~
- C. **Park interior setbacks on individual mobile home sites.** Each structure and mobile home within a mobile home park shall comply with all applicable requirements of California Code of Regulations Title 25.
- D. **Site coverage.** Structures shall not occupy more than 75 percent of each mobile home site.

- E. Height limit.** No structure shall exceed a height of 25 feet.
- F. Open space.**
- 1. ~~Inland area m~~Mobile home park requirements.** A mobile home park ~~within the Inland area~~ shall comply with the following open space requirements.
 - a. A minimum of 15 percent of the gross area of the mobile home development shall be in common open space, which may include recreational area and facilities for the use of the residents of the development. The facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc. Laundry facilities or other non-recreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home sites to the recreational facilities. If the mobile home development is to be developed in phases, the open space/common recreation area must be developed during the first phase of construction.
 - b. In a mobile home condominium development, title to the common open space, common recreational amenities and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such common open space with anything except open space, non-commercial recreational facilities, common parking areas, and private streets.
 - c. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas.
 - 2. ~~Coastal Zone mobile home park requirements.~~** ~~A mobile home park within the Coastal Zone shall provide a minimum of 20 percent of the net area of the mobile home park in common open space, which may include recreational facilities generally provided in a central location. The facilities may include space for community buildings and community use facilities. Improved sidewalks, walkways, or paths shall link all mobile home sites to the recreational facilities.~~
- G. Mobile home skirting.** ~~Within the Inland area, e~~Each mobile home within a MHP zone shall be equipped with perimeter skirting.

35.23.090 - MHS Zone Standards

Proposed development and new land uses within the MHS zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. Minimum site area.** The minimum amount of land that may be developed for a MHS shall be one acre, provided that this minimum land area is adequate to meet the requirements of the MHS district.
- B. Density and minimum lot area.**
- 1. Maximum density.** The maximum density of an MHS shall be seven units per gross acre.
 - 2. Minimum lot area and dimensions.** The minimum area for individual lots within the MHS shall be 4,000 square feet, with only one one-family dwelling permitted per lot. Each lot shall have a minimum width of 50 feet and a minimum depth of 80 feet.
- C. Development standards.**
- 1. Perimeter setback requirements.** The following minimum setbacks shall apply to the perimeters of a MHS development:
 - a. Front.** 50 feet from the centerline or 20 feet from the right-of-way line of any street.
 - b. Side and rear.** 15 feet from the side or rear property lines of any lot on which the MHS development is located.

2. **Individual lot setback requirements.** The following minimum setbacks shall apply to interior lots within a MHS development:
 - a. **Front.** 10 feet from the front line of each lot,
 - b. **Side.** Five feet in width on each side of the building or structure, exclusive of awnings, etc. Where the side yard abuts an access road, public parking area or walk, the setback shall be a minimum of 10 feet in width.
 - c. **Rear.** 10 feet.
 - d. **Open space setback modifications.** To maximize open space on individual lots, the side setback and minimum distance required between buildings may be modified by the Commission to allow dwelling units to be located within one side yard, provided that the remaining side yard is equal to the sum of the two required side yards. These modifications shall be subject to State of California approval to waive the minimum setback requirements of California Code of Regulations, Title 25.
3. **Separation between buildings on the same site.** The minimum distance between a building designed or used for human habitation and any other detached building shall be 10 feet.
4. **Site coverage.** Structures shall not occupy more than 60 percent of each one-family lot.
5. **Height limit.** No structure shall exceed 25 feet in height.
6. **Open space.**
 - a. A minimum of 15 percent of the gross lot area shall be in common open space, which shall include a recreational area with facilities for the use of the residents of the development. The facilities shall generally be provided in a central location and may include lawn and picnic area, swimming pools, tennis courts, etc. Laundry facilities or other non-recreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home lots to the recreational facilities. If the MHS is to be developed in phases, the open space/community recreation area must be developed during the first phase of construction.
 - b. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.
7. **Additional requirements.**
 - a. Tool shed and equipment storage structures shall be permitted on each lot but shall not be located in the front, side, or rear setback area.
 - b. The exterior design and finish of all buildings and structures within the MHS zone shall be compatible. For all buildings and structures, the Development Plan shall include the following: a description of the colors and finishes of exterior walls, roof lines, and other exterior design features determined by the County to be necessary for compatibility.
 - c. Each mobile home development shall comply with all applicable requirements of California Code of Regulations, Title 25.

35.23.100 - PRD Zone Standards

Proposed development and new land uses within the PRD zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. Specific Plans.** For areas requiring a Specific Plan in compliance with the Comprehensive Plan, a Specific Plan shall be filed and approved in compliance with Chapter 35.88 (Specific Plans) prior to or concurrent with the submittal of a Preliminary Development Plan. The Director may waive the requirement for the Preliminary Development Plan if the Director determines that the approved Specific Plan provides the same information as required for a Preliminary Development Plan. All Development Plans shall comply with the Specific Plan for the project area.
- B. Requirements of the Comprehensive Plan.** Additional site specific requirements for property designated for Planned Development (PD) on the Land Use Element Maps ~~or Coastal Land Use Plan maps~~ may be set forth in the text of the Comprehensive Plan.
- C. Setback requirements.** Setbacks shall be proposed and approved on the Preliminary and Final Development Plans to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the PRD zone. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration, and aesthetics.
- D. Streets.** Streets may be public or private; provided that all private streets shall be constructed to County standards, and adequate provisions shall be made in the codes, covenants and restrictions to ensure the adequate maintenance of private streets. The standards for any onsite improvements (streets, walks, drainage, and utilities) may be modified for a planned residential development by the County upon recommendation from the Public Works Department, Road Division. Street design shall relate to the function of the street and, particularly in hillside areas, where no on-street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, the use of cul-de-sacs and loop streets, and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.
- E. Open space.**
 - 1. Amount.** The County shall specify the required amount of public and/or common open space in a planned residential development at the time of approval of the Development Plan but in no case shall the total amount of public and/or common open space be less than 40 percent of the gross acreage. Determination of the appropriate amount of public and/or common open space shall be based on consideration of the following factors:
 - a. The need to protect for public use areas historically used by the public such as beaches and trails;
 - b. The avoidance of siting of structures in hazardous areas or on steep slopes;
 - c. The protection of environmentally sensitive habitat areas and archaeological sites; and
 - d. ~~Within the Inland area, t~~The protection of scenic areas of the site.

Lands to be preserved as open space may be dedicated in fee to the County or other public agency or may remain in private ownership with dedication of only appropriate scenic and/or open space easements. For lands counted as public open space that remain in private ownership, the County shall require granting of an easement guaranteeing the public's right of access and use of such open space.

- 2. Maintenance of public open space.** The County may require the applicant or Homeowners' Association to maintain all public open spaces and related facilities for a specified period after occupancy of the planned residential development or may require payment of an in-lieu fee if the County maintains the public open space and related facilities. If the applicant or Homeowners'

Association is to maintain public open spaces, prior to the approval of any permits for construction, a bond or other approved financial security shall be posted guaranteeing maintenance.

3. **Maintenance of common open space.** Common open space shall be deeded to the Homeowners' Association and held in undivided ownership by the owners of the planned residential development. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved Final Development Plan.

F. Homeowners' Association. At the time of submittal of a Preliminary or Final Development Plan, the applicant shall file a description of the proposed organization of the Homeowners' Association including conditions, covenants, and restrictions that will govern the Association. The description shall include the following provisions:

1. The Association shall be established before the homes are sold;
2. Membership in the Association shall be mandatory for each home buyer and any successive buyer;
3. The Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities;
4. Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property; and
5. The Association shall be able to adjust the assessment to meet changed needs.

G. Commercial recreational facilities and convenience stores. Commercial recreational facilities and convenience stores of a commercial and service nature may be allowed in developments of 200 dwelling units or more provided:

1. Such commercial recreational facilities are compatible with the residential use.
2. Such convenience store are limited to those serving such day to day needs of residents in the immediate area as food, drugs, gasoline and other incidentals
3. Such convenience stores shall be an integral part of the development and shall collectively occupy no more than two acres (gross).
4. Such convenience stores shall not, by reason of their construction, lighting, location, manner or timing of operation, parking arrangements, signs or other characteristics have adverse effects on residential uses within or adjoining the development or create traffic congestion of hazards to vehicular or pedestrian traffic.

~~**H. Visitor serving commercial facilities.** Within the Coastal Zone, motels and restaurants may be allowed in developments of 200 dwelling units or more provided that the County shall proportionally reduce the residential density otherwise permitted to accommodate facilities that provide overnight lodging.~~

35.23.110 - SLP Zone Standards

Proposed development and new land uses within the SLP zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

- A. Minimum site area.** The minimum amount of land that may be developed for a SLP shall be one acre, provided that this minimum land area is adequate to meet the requirements of the SLP zone.
- B. Side setbacks and building separation.** To maximize open space on individual lots, the side setback and minimum distance required between buildings may be modified by the Commission to allow dwelling units to be located within one side yard; provided that the remaining side yard is equal to the sum of the two required side yards.

C. Open space.

1. A minimum of 15 percent of the gross site area shall be in common open space which shall include a recreational area with facilities for the use of the residents of the development.
 - a. These facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc.
 - b. Laundry facilities or other non-recreational uses shall not be included in the common open space.
 - c. Sidewalks, walkways or paths shall link all residential lots to the recreational facilities.

If the SLP is to be developed in phases, the open space/community recreation area must be developed during the first phase of construction.
2. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area. At the option of the Board, title may otherwise be conveyed to any other non-profit individual or entity on such reasonable terms and conditions as the Board may prescribe, subject to conveying to the County the rights to develop the property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets.
3. The preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.

D. Accessory structures. Tool shed and equipment storage structures shall be permitted on each lot but shall not be located in the front, side, or rear setback area.

E. Design of structures. The exterior design and finish of all structures within the SLP shall be compatible. For all structures, the Development Plan shall include the following: the building envelope or footprint of each lot, a description of the colors and finishes of exterior walls, roof lines, and other exterior design features determined by the County to be necessary for compatibility.

35.23.120 - ~~Reserved~~ SR-M and SR-H Zones Standards

~~Proposed development and new land uses within the SR-M and SR-H zones shall comply with the following standards, in addition to those in Section 35.23.050 (Residential Zones Development Standards).~~

~~**A. Minimum lot area.** Each lot in a proposed subdivision shall have a minimum area of 7,000 square feet and a minimum net width of 65 feet.~~

~~**B. Lot size and density.**~~

- ~~1. **Minimum building site.** The proposed development shall be located upon a lot having a minimum net lot width of 65 feet and a minimum net area of 7,000 square feet. A structure may be located upon a smaller existing legal lot if the lot either:

 - ~~a. Was, at the time of its creation, in conformity with the zoning ordinance then in existence, except for fraction lots; or~~
 - ~~b. Was approved in compliance with the Map Act and/or local ordinances adopted in compliance with the Map Act.~~~~
- ~~2. **Maximum density.** The number of dwelling units on a lot shall not exceed the maximum specified by Table 2-13 (SR-M and SR-H Zones Maximum Density) for each SR-M and SR-H zone shown in Table 2-11 (Residential Zones Development Standards), provided that a lot to be developed with a one-family dwelling or two-family dwelling shall have no more than one of either type.~~

Table 2-13 SR-M and SR-H Zones Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre	Gross Land Area per Dwelling Unit
SR-M-8	8	5,445
SR-M-18	18	2,420
SR-H-20	20	2,178

3. Bedroom density.

- a. ~~There shall be not more than one bedroom for each 2,500 square feet of net lot area in the SR-M zone and one bedroom for each 1,200 square feet of net lot area in the SR-H zone; provided that each lot is permitted at least three bedrooms. Dwelling unit area in excess of the maximums specified in Subsection A.3.b below, shall be treated and counted as additional bedrooms for the purposes of this Section, and for the purposes of Chapter 35.36 (Parking and Loading Standards).~~
- b. ~~For each of the following project components, each 160 square feet of the excess area shall count as an additional bedroom for the bedroom density standard:~~
- ~~(1) A bedroom in excess of 160 square feet (excluding area devoted to closets);~~
 - ~~(2) A studio dwelling unit in excess of 500 square feet;~~
 - ~~(3) A living room or dining room in excess of 400 square feet; and~~
 - ~~(4) Any room other than a living room, dining room, kitchen, bathroom, or meeting room (if the dwelling is occupied by a non-profit organization).~~

B. Structure placement.

- ~~1. Each structure within the SR-H zone shall be sited taking into consideration the scenic qualities of the site, the protection of natural and/or coastal resources, the preservation of existing healthy trees on the site, design aesthetics, privacy and light, and solar exposure.~~
- ~~2. Each structure on a lot with 100 feet or more of street frontage shall be sited to avoid a continuous stretch of building along the street frontage by clustering the buildings on one side of the lot, breaking up the development into more than one building, or through other architectural design features to reduce the visual impact of the buildings.~~

- ~~C. Sidewalks. Prior to the issuance of a Coastal Development Permit for a structure, all plans for new or altered structures shall be reviewed by the Public Works Department, Road Division for frontage improvement conditions. As a condition to the approval of a Coastal Development Permit for any structure, the owner or their agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the owner's property that are determined by the Public Works Department, Road Division to be reasonably related to the proposed use of the property.~~

35.23.130 - MR-O Zone Standards

Proposed development within the MR-O zone shall comply with the following standards, in addition to those in [Section 35.23.050 \(Residential Zones Development Standards\)](#).

A. Application processing.

- 1. Additional discretionary review, environmental review and public hearings not required; exception.** Uses allowed by the issuance of a Zoning Clearance in compliance with [Section 35.82.210](#), as shown in Table 2-8, above, have already complied with the requisite discretionary approval and environmental review process and public hearings before the Commission and the Board concurrent with the processing of the 2003-2008 Housing Element Focused Rezone Program. In compliance with Government Code Section 65580 et seq., no further environmental review,

public hearing, or discretionary approval is required for projects that only require the issuance of a Zoning Clearance in compliance with [Section 35.82.210](#) and conform to the regulations in this Section. All projects, inclusive of rezone applications that have not been specifically initiated by the County for the purpose of complying with Government Code Section 65580 et seq., are required to proceed through additional discretionary review, inclusive of environmental review and all required public hearings.

2. **Predevelopment review.** Predevelopment consultation with the Director shall be required prior to acceptance of a formal development application for sites within this zoning district. Prior to these meetings, applicants shall be advised that the project is subject to ministerial review and the MR-O zone regulations.
 - a. **Predevelopment review submittal requirements.** Applicants shall review the Multi Family Residential Zone Design Principles in Subsection H, below, prior to scheduling a predevelopment appointment with the Director and incorporate the principles into the concept plan. An application for predevelopment review by the Director shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#) and shall include at a minimum the following materials.
 - (1) Preliminary site plans with conceptual building footprints, parking, and site circulation identified.
 - (2) General open space and landscaping concept plans.
 - (3) Exterior building elevation examples with conceptual design features illustrated.
3. **Development application requirements.** Applications for Zoning Clearance shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#) and shall include at a minimum the following materials:
 - a. Proposed site, parking, grading, and drainage plans.
 - b. Proposed landscaping plan and a list of proposed plants.
 - c. Proposed lighting plans with manufacture cutsheets and photometric calculations showing the location of all outdoor luminaries (including site, parking lot, parking canopies, walkway/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.) demonstrating the elimination of glare offsite and at the building facades. This includes all normal and emergency outdoor lighting.
 - d. Building materials board, and color plates with examples for each proposed building in the development.
 - e. Building identification and traffic sign design examples and colors.
 - f. Elevation drawings depicting the proposed project's context with adjacent buildings.
4. Prior to issuance of a Zoning Clearance in compliance with [Section 35.82.210](#), the Director shall verify that the project incorporates, to the extent feasible, the design principles described in Subsection H below.

B. Setbacks.

1. **Perimeter setback.** All structures shall be setback a minimum of 10 feet from the perimeter of the entire development.
2. **Interior setbacks.** The following shall apply to all lots within the development:
 - a. **Front.** Each lot shall provide an average setback of 10 feet from all public and private street rights-of-way. Balconies, decks, entryways, landings, patios and porches may encroach within the front setback.
 - b. **Side.** None.

- c. **Rear.** Each lot shall provide an average setback of 10 feet from the rear property line.
- 3. Parking.**
- a. **Off-street parking.** Covered or uncovered off-street parking shall be located a minimum of 10 feet from any public or private street right-of-way line and a minimum of five feet from any other property line and shall be made available throughout the project.
- C. Minimum distance between opposing garages.** 20 feet.
- D. Distance between buildings on same building site.** The minimum distance between a building containing dwelling units and any other detached building shall be five feet.
- E. Height limit.** The height limit of any structure is 50 feet, except that within 100 feet of any street located adjacent to the perimeter of the development the height limit is 40 feet.
- F. Open space.** A minimum of 25 percent of the net site area shall be reserved for the life of the project as open space.
1. A minimum of 60 percent of the total open space requirement shall be provided as common open space areas such as greenways, landscaping, outdoor dining and cooking areas, play areas, picnic, swales and walkways.
 2. A maximum of 40 percent of the total open space requirement may be provided as private open space.
 3. Title to the common open space, common recreational facilities, common parking areas, and private streets shall be conveyed to a non-profit association of all homeowners within the project area, or any other non-profit individual or entity on such reasonable terms and conditions as the Board of Supervisors may prescribe subject to conveying to the County the rights to develop such property with anything except open space, non-commercial recreational facilities, common parking areas, and private streets. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to the areas.
- G. Density.** The minimum residential density within the MR-O zone shall be equal to the maximum allowed residential density of 20 units per acre, excluding private or public rights-of-way.
- H. Design.** Design requirements are detailed in the Orcutt Community Plan as development standards applicable to Key Site with MR-O zoning. The primary purpose of the MR-O zone design requirement is to establish self-mitigating design components to minimize the potential negative aesthetic impacts of any proposed project. The secondary purpose of the design requirement is to ensure continuity and compatibility with inter-related design components found in other residential zone districts in the Orcutt Community Plan. A verification of feasible compliance with the Design Components by the Board of Architectural Review and the Director is required prior to issuance of Zoning Clearance in compliance with [Section 35.82.210](#) and guarantees fast-track project processing.
- I. Additional requirements for condominiums, stock cooperatives, or community apartments.** The following requirements shall apply to condominiums, stock cooperatives, or community apartments:
1. Individual metering for utilities shall be provided for each unit, unless metering would be in conflict with an innovative energy-efficient or resource conserving utility system designed for the project.
 2. Individual or shared enclosed trash collection areas shall be provided sufficient to serve each housing unit and building in the development.
 3. In the case of cluster development, the perimeter of the development shall be landscaped with a minimum strip of 10 feet except for access to adjacent streets.
 4. Preservation and maintenance of all common open space, common recreational facilities, common parking areas, and private streets shall be the obligation of the individual or entity holding title to said areas, consistent with the project landscape plan.

CHAPTER 35.24 - COMMERCIAL ZONES

Sections:

- 35.24.010 - Purpose
- 35.24.020 - Purposes of Commercial Zones
- 35.24.030 - Commercial Zones Allowable Land Uses
- 35.24.040 - Commercial Zones Development Standards
- 35.24.050 - CN, C-1, C-2, C-3, C-S, CH, and PI Zones Additional Standards
- 35.24.060 - C-V Zone Additional Standards
- 35.24.070 - CM - LA Zone Additional Standards
- 35.24.080 - SC Zone Additional Standards

35.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the commercial zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.24.020 - Purposes of Commercial Zones

The purposes of the individual commercial zones and the manner in which they are applied are as follows.

- A. C-1 (Limited Commercial) zone.** The C-1 zone is appropriate for both retail and service commercial activities that serve the local community ~~and in the Coastal Zone, the traveling public as well.~~ This zone allows diverse uses, yet restricts allowable uses to those that are also compatible with neighboring residential uses to protect residential uses from negative impacts, including noise, odor, lighting, traffic, or degradation of visual aesthetic values.
- B. C-2 (Retail Commercial) zone.** The C-2 zone is appropriate for retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community.
- C. C-3 (General Commercial) zone.** The C-3 zone is applied to areas appropriate for wholesale and heavy commercial uses and services that are not suited to the commercial zones that accommodate lighter commercial uses. The intent is to provide for commercial uses in these areas while protecting adjacent uses from negative impacts including noise, odor, lighting, or traffic.
- D. CH (Highway Commercial) zone.** The CH zone is applied to areas adjacent and accessible to highways or freeways appropriate for uses that serve the highway traveler.
- E. CM-LA (Community Mixed Use - Los Alamos) zone.** The CM-LA zone applies to areas only within the Los Alamos Community Plan along the Bell Street Corridor. The purpose is to create a sense of place and provide certainty in the permitting process as to what is allowed within the Bell Street Commercial Core area. The result will be a vibrant mix of uses along Bell Street with retail on the ground floor fronting Bell Street and housing above and in buildings fronting secondary streets of the corridor.
- F. CN (Neighborhood Commercial) zone.** The CN zone is applied to areas within residential neighborhoods appropriate for local retail or service businesses to meet daily needs for food, drugs, gasoline, and other incidentals of residents in the immediate area. The intent is to provide local serving commercial establishments while preserving the residential character of the area.
- G. CS (Service Commercial) zone.** The CS zone is applied to areas appropriate for service commercial activities, including wholesale service and business facilities with ancillary offices and inside storage areas, which are more limited in scope than the range of uses permitted in the general commercial zones. The intent is to provide for commercial uses in these areas and ensure compatibility with and the

protection of neighboring land uses from negative impacts including noise, odor, lighting, or traffic.

- H. C-V (Resort/Visitor Serving Commercial) zone.** The C-V zone is applied to areas of unique scenic and recreational value appropriate for tourist recreational development, while providing for maximum conservation of site resources through comprehensive site planning. The intent is to provide for maximum public access, enjoyment, and use of an area's scenic, natural, and recreational resources while ensuring preservation of such resources. This zone is not intended for highway related uses that normally service travelers. ~~Where this zone is applied to areas adjacent to the shoreline, uses permitted shall in part require an oceanfront location in order to operate.~~
- I. PI (Professional and Institutional) zone.** The PI zone is applied to areas appropriate for professional uses, and for educational, institutional, governmental, and other public facilities. It is the intent of this zone to ensure that these uses are well-designed and landscaped, and harmonious with surrounding land uses.
- J. SC (Shopping Center) zone.** The SC zone is applied to areas appropriate for clustered shopping center uses. The intent is to establish provisions for the comprehensive development of property suitable for commercial use, and to prevent piecemeal commercial development in areas that may be more appropriate for a clustered shopping center use. This zone identifies the following two types of shopping centers:
- 1. Convenience Shopping Centers.** Shopping centers that are classified as Convenience Shopping Centers in compliance with Table 2-20 (Shopping Center Minimum Site Area) serve the everyday, frequent needs of the consumer.
 - 2. Community Shopping Centers.** Shopping centers that are classified as Community Shopping Centers in compliance with Table 2-20 (Shopping Center Minimum Site Area) provide the opportunity to comparison shop and provide consumer goods and services.

35.24.030 - Commercial Zones Allowable Land Uses

- A. General permit requirements.** Tables 2-14, 2-15, and 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) identify the uses of land allowed by this Development Code in each commercial zone, and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Tables 2-14, 2-15, and 2-16 (Allowed Land Uses and Permit Requirements for the Commercial Zones) includes a Section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit~~ or Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or the issuance of an Exemption in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) as follows.
- 1. CN and C-1 zones.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit or the issuance of an Exemption or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area except for the development of one accessory dwelling unit that is accessory to a one-family dwelling located on a lot zoned C-1 and approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
 - 2. C-2 and C-3 zones.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or

more.

3. **CH zone.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading.
4. **CM-LA zone.** Final Development Plan approval is required for buildings and structures that total 15,000 or more square feet in gross floor area except for the development of one accessory dwelling unit per lot in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).
5. **C-S, C-V, SC, and PI zones.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit or Zoning Clearance for all proposed development, including grading.

D. Design Review required.

1. Design Review is required prior to the approval of a planning permit for a structure, or an addition to or an alteration of an existing structure located within the CN, C-1, C-2, C-3, CH (~~Inland area~~) or CM-LA zones, in compliance with [Section 35.82.070 \(Design Review\)](#).
2. ~~Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of an existing structure located within the CH (Coastal Zone) zone, in compliance with Section 35.82.070 (Design Review).~~

E. Accessory uses and structures. Each nonresidential use allowed by Tables 2-14, 2-15, and 2-16 may include accessory uses and structures that are customarily incidental to the nonresidential use, provided that:

1. Within the C-1, C-2, C-3, and C-S zones:

- a. There shall be no manufacture, assembly, processing, or compounding of products other than as is customarily incidental or essential to the allowed use.
 - (1) ~~Within the Coastal Zone, there shall be no more than five persons engaged in the manufacture, assembly, processing, or compounding of products.~~
- b. The operations are not injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property, or other similar causes.

~~2. Within the PI zone (Coastal Zone). The accessory structure or use shall be subordinate to the allowed use.~~

Table 2-14 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	CN	C-1	C-2	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—	—	—	
Agricultural processing	—	—	—	
Agricultural use as permitted on adjacent lot zoned AG or residential	—	—	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	35.42.060
Cannabis – Cultivation and nursery	—	—	—	
Cannabis – Microbusiness	—	S	S	35.42.075
Cultivated agriculture, orchard, vineyard	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P(3)	P(3)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	35.82.160
Oil and gas uses	—	—	S	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	—	—	—	
Cannabis - Manufacturing	—	—	—	
Cannabis - Testing	—	S	S	35.42.075
Furniture/fixtures manufacturing, cabinet shops	—	—	MCUP	
Handcraft industry, small scale manufacturing	—	—	MCUP	35.42.160
Laundry, dry cleaning plant	—	—	MCUP	
Media production	—	—	—	
Metal products fabrication, machine and welding shops	—	—	—	
Printing and publishing	—	—	—	
Recycling - Small collection center	—	—	MCUP	
Recycling - Small collection center, non-profit	—	P	MCUP	
Recycling - Specialized materials collection center	—	—	—	
Sign fabrication and painting shop	—	—	—	
Sign painting shop	—	—	MCUP	
Storage - Contractor equipment storage yard	—	—	—	
Storage - Personal storage facility (mini storage)	—	—	—	
Wholesaling and distribution	—	—	—	
Wholesaling and distribution - Essential to agriculture	—	—	—	

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal-Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	—	—	—	
Commercial entertainment - Indoor	—	—	—	P	P	
Commercial entertainment - Outdoor	—	—	—	CUP	CUP	
Community center	—	MCUP	MCUP	—	—	
Conference center	CUP	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Fitness/health club or facility	—	P	P	P	P	
Golf course	CUP	CUP	CUP	P(3)	P(3)	
Golf driving range	CUP	CUP	CUP	P	P	
Library	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	—	—	—	
Recreational vehicle (RV) park	—	—	—	—	—	
School	CUP	CUP	CUP	CUP	CUP	
School - Business, Professional, or Trade	CUP	CUP	CUP	P	P	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	CUP	
Sports or entertainment assembly facility	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	—	—	
Theater - Indoor	—	—	—	P	P	
Theater - Outdoor	—	—	—	CUP	CUP	
Trail for hiking or riding	—	—	—	—	—	

RESIDENTIAL USES

Accessory dwelling unit	—	S (4)	—	—	—	35.42.015
Caretaker/Manager dwelling	—	—	—	—	—	
Dwelling, one-family	—	P (4)	P(4)	—	—	
Emergency shelter	—	—	—	MCUP	MCUP	
Farmworker dwelling unit	MCUP	P	—	MCUP	—	35.42.135
Farmworker housing complex	—	—	—	—	—	35.42.135
Mixed use project residential component	MCUP	P	P	MCUP	MCUP	35.42.200
Monastery	CUP	CUP	—	CUP	—	
Residential accessory use or structure	MCUP	P	P	MCUP	MCUP	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	P	
Single room occupancy facility (SRO)	—	—	—	P	MCUP	
Special care home, 6 or fewer clients	MCUP	P (4)	P(4)	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	MCUP	S	—	S	—	35.42.090

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size.

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	CN	C-1	C-2	

RETAIL TRADE

Auto and vehicle sales and rental	—	—	P	
Bar, tavern	—	—	P(3)	
Building and landscape materials sales - Indoor	—	—	MCUP	
Building and landscape materials sales - Outdoor	—	—	MCUP	
Cannabis - Retail	—	S	S	35.42.075
Convenience store, less than 3,000 sf or less net floor area	P(4)	P(5)	P	
Convenience store, 3,000 sf or more net floor area	P(4)	P(5)	P	
Drive-through facility	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	—	—	
Fuel dealer	—	—	—	
General retail	P(4)	P(5)	P	
Grocery/food store, 3,000 sf or less	P(4)	P(5)	P	
Grocery/food store, 5,000 sf or less	—	P(5)	P	
Grocery/food store, more than 5,000 sf	—	P(5)	P	
Mobile home, boat, and RV sales and repair	—	—	MCUP	
Office supporting retail	P(4)	P(5)	P	
Plant nursery	—	P	P	
Restaurant, café, coffee shop - Indoor and outdoor	P	P	P(3)	
Restaurant, café, coffee shop,- Within an office building	—	—	—	
Service station	MCUP	MCUP	P	
Shopping center - Community	—	—	—	
Shopping center - Convenience	—	—	—	
Swap meet	—	—	CUP	
Truck stop	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	MCUP	
Visitor-serving commercial	—	—	P	

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (4) Limited to establishments that supply commodities to meet the day-to-day needs of residents in the neighborhood.
- (5) Limited to establishments that supply commodities to the residences in the neighborhood.

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	P	P	P	P	
Bank, financial services - Complete facility	—	—	—	P	P	
Business support service	—	—	—	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	CUP	CUP	MCUP	MCUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	
Medical services - Doctor office	—	P	P	P	P	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	
Office - Business/service	—	P	P	P	P	
Office - Professional/administrative	—	—	—	P	P	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	E	35.42.090
Day care center, Non-residential	P	P	P	P	P	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	
Day care center, Residential	MCUP	P	P	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	P	P	MCUP	MCUP	
Lodging - Guest ranch	—	—	—	—	—	
Lodging - Homestay	—	—	—	—	—	
Lodging - Hostel	CUP	CUP	P	CUP	—	
Lodging - Hotel or motel	—	CUP	CUP	P	P	
Lodging - Resort	—	—	—	—	—	
Lodging - Short-term rental	—	P	—	P	—	35.42.245
Mortuary	—	—	CUP	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	CUP	—	CUP	—	
Personal services	P	P	P	P	P	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	P	P	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	P	P	
Repair service - Farm implements and equipment	—	—	—	—	—	
Repair service - Small appliances	P	P	P	P	P	
Vehicle services - Carwash, mechanical	—	—	—	MCUP	MCUP	35.42.270
Vehicle services - Major repair, bodywork	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	MCUP	—	—	P	P	
Vehicle services - With outdoor work areas	—	—	—	MCUP	MCUP	

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	CN	C-1	C-2	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	
Cannabis - Distribution	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	
Electrical transmission line (4)-(5)	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	
Parking facility, public or private	—	—	P	
Pier, dock	—	—	—	
Pipeline - Oil and gas	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (65)	P	P	P	
Road, street, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	
Telecommunications facility	S	S	S	35.44
Transit station or terminal	—	—	CUP	
Utility service line with less than 5 connections (4)	—	—	—	
Utility service line with 5 or more connections (4)	—	—	—	
Vehicle dispatch facility	—	—	—	
Vehicle storage	—	—	MCUP	
Wind turbines and wind energy systems	S	S	S	35.57

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- ~~(5) Not allowed in the VC overlay.~~
- ~~(65) Not applicable to facilities constructed by the County outside of the Coastal Zone.~~

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				
LAND USE (1)	CN	C-1	C-1 CZ	C-2	C-2 CZ

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP	MCUP		MCUP	
Onsite wastewater treatment system, individual, conventional	E	E		E	
Onsite wastewater treatment system, individual, supplemental	E	E		E	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P
Reservoir, less than 20,000 sf of total development	P	P	P	P	P
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	MCUP	P	MCUP
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	MCUP
Wastewater treatment facility, up to 199 connections	CUP	CUP	CUP	CUP	CUP
Water diversion project	P	P	MCUP	P	MCUP
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP
Water system with 1 connection	E	E	P	E	P
Water system with 2 to less than connections	P	P	MCUP	P	MCUP
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP
Water well, agricultural	—	—	—	—	—

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).

Table 2-15 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	P	—	35.42.020
Agricultural processing	P (3)	P (3)	P (4)	—	35.42.040
Agricultural use as permitted on adjacent lot zoned AG or residential	—	—	P	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Cannabis – Cultivation and nursery	—	—	—	—	
Cannabis – Microbusiness	S	S			35.42.075
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	—	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (5)	P (5)	P (5)	—	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	—	35.82.160
Oil and gas uses	CUP	—	—	—	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Cannabis - Manufacturing	—	—	—	S	35.42.075
Cannabis - Testing	S	—	—	—	35.42.075
Bakery and baked goods production and distribution	P	P (3)	—	—	
Furniture/fixtures manufacturing, cabinet shops	P (3)	P (3)	—	MCUP	
Handcraft industry, small scale manufacturing	MCUP	MCUP	—	MCUP	35.42.160
Laundry, dry cleaning plant	P (3)	P (3)	—	—	
Media production	—	—	—	—	
Metal products fabrication, machine and welding shops	P (3)	P (3)	—	—	
Printing and publishing	P	P (3)	—	—	
Recycling - Small collection center	—	CUP	—	—	
Recycling - Small collection center, non-profit	P	CUP	—	—	
Recycling - Specialized materials collection center	P	—	—	—	
Sign fabrication and painting shop	—	P (3)	—	MCUP	
Sign painting shop	P (3)	P	—	MCUP	
Storage - Contractor equipment storage yard	P	P (3)	—	—	
Storage - Personal storage facility (mini storage)	P	P	—	—	
Storage - Warehouse, not used for wholesaling or distribution	P	P	—	—	
Wholesaling and distribution	P (3)	P (3)	—	—	
Wholesaling and distribution - Essential to agriculture, except	P (3)	P	CUP	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.24.030.C \(Commercial Zone Allowable Land Uses\)](#).
- (3) Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (4) Restricted to the processing of on-premise products.
- (5) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	—	—	
Commercial entertainment - Indoor	P	—	—	MCUP	
Commercial entertainment - Outdoor	CUP	—	—	—	
Community center	—	—	—	P	
Conference center	CUP	CUP	CUP	—	
Country club	CUP	CUP	CUP	—	
Equestrian facility - Public or commercial	CUP	CUP	CUP	—	
Fairgrounds	CUP	CUP	CUP	—	
Fitness/health club or facility	P	—	—	P	
Golf course	P (3)	CUP	MCUP	—	
Golf driving range	P	CUP	MCUP	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playground	—	—	—	—	
Recreational vehicle (RV) park	—	—	CUP	—	
School	CUP	CUP	CUP	CUP	
School - Business, Professional, or Trade	P	CUP	CUP	P	
Sports and outdoor recreation facility	CUP	CUP	CUP	—	
Sports or entertainment assembly facility	—	—	CUP	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	P	
Theater - Indoor	P	—	—	P	
Theater - Outdoor	CUP	—	CUP	—	
Trail for hiking or riding	—	—	—	P	

RESIDENTIAL USES

Accessory dwelling unit	—	—	—	S	35.42.015
Caretaker/Manager dwelling	—	MCUP	P	—	35.42.080
Dwelling, one-family	—	—	—	P	
Dwelling, two-family	—	—	—	P	
Dwelling, multiple	—	—	—	P	
Emergency shelter	P	P	—	MCUP	
Farmworker dwelling unit	MCUP	—	—	P	35.42.135
Farmworker housing complex	—	—	(4)	—	35.42.135
Mixed use project residential component	MCUP	—	—	P	35.42.200
Monastery	CUP	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	P	P	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	
Single room occupancy facility (SRO)	P	—	P	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	P	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	S	MCUP	S	S	35.42.090

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C \(Commercial Zone Allowable Land Uses\)](#).
- (3) Includes miniature golf and practice/putting range.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

RETAIL TRADE

Auto and vehicle sales and rental	P	—	—	—	
Bar, tavern	P (3)	—	—	P	
Building and landscape materials - Indoor	P (4)	P (4)	—	—	
Building and landscape materials - Outdoor	P	P	—	—	
Cannabis - Retail	S	S	—	S	35.42.075
Convenience store, 3,000 sf or less net floor area	P	—	P (5)	P	
Convenience store, 3,000 sf or more net floor area	P	—	—	P	
Drive-through facility	CUP	CUP	CUP	—	35.42.130
Farm supply and feed store	P	P (4)	—	—	
Fuel dealer	P (6)	P (4)	—	—	
General retail	P	—	—	P	
Grocery/food store, 3,000 sf or less	P	—	CUP (5)	P	
Grocery/food store, 5,000 sf or less	P	—	CUP (5)	P	
Grocery/food store, more than 5,000 sf	P	—	—	P	
Mobile home, boat, and RV sales and repair	—	—	—	—	
Office supporting retail	P	—	—	P	
Plant nursery	P	—	—	P	
Restaurant, café, coffee shop - Indoor and outdoor	P (5)	—	P (5)	P	
Restaurant, café, coffee shop - Within an office building	—	—	—	—	
Service station	P	—	P	— (7)	
Shopping center - Community	—	—	—	—	
Shopping center - Convenience	—	—	—	—	
Swap meet	CUP	—	—	CUP	
Truck stop	—	—	MCUP	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	P	—	—	—	
Visitor-serving commercial	P	—	P (5)	P	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	P	—	—	P	
Bank, financial services - Complete facility	P	—	—	P	
Business support service	P	P	—	P	
Drive-through facility	CUP	CUP	CUP	—	35.42.130
Medical services - Animal hospital, small animals	P	P	—	CUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	
Medical services - Doctor office	P	—	—	P	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	—	
Office - Business/service	P	—	—	P	
Office - Professional/administrative	P	—	—	P	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes microbreweries that are accessory and secondary to a bar or restaurant.
- (4) Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (5) No off-premise alcoholic beverage sales allowed; no alcoholic beverage sales in restaurant except when food also served.
- (6) Limited to the sale of fuel for agricultural equipment.
- (7) A service station existing at the time of the adoption of the CM-LA zone shall be considered a permitted use rather than a nonconforming use.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home	P	—	P	P	35.42.090
Small family day care home	E	—	E	E	35.42.090
Day care center, Non-residential	P	MCUP	MCUP	P	35.42.090
Day care center, Non-residential, accessory	—	P	P	P	35.42.090
Day care center, Residential	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	—	35.42.130
Lodging - Bed and breakfast inn	MCUP	—	—	P	
Lodging - Guest ranch	—	—	—	—	
Lodging - Homestay	—	—	—	P	35.42.193
Lodging - Hostel	CUP	CUP	CUP	P	
Lodging - Hotel or motel	P	—	P	P	
Lodging - Resort	—	—	—	P	
Lodging - Short-term rental	P	P	P	P	35.42.245
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	—	35.42.120
Music recording studio	CUP	CUP	CUP	CUP	
Personal services	P	—	—	P	
Repair service - Equipment, appliances, etc. - Indoor	P (3)	P (3)	—	P (3)	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	
Repair service - Farm implements and equipment	P (3)	P (3)	—	—	
Vehicle services - Carwash, mechanical	MCUP	—	MCUP (4)	—	35.42.270
Vehicle services - major repair, bodywork	P (3)	—	—	—	
Vehicle services - Minor maintenance/repair	P (3)	P (3)	P	P	
Vehicle services - With outdoor work areas	—	—	—	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Shall be conducted within a completely enclosed building except that within the C-3 and CS zones exterior material storage may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (4) Use not allowed on a lot abutting a residential zone; see [Section 35.42.270 \(Vehicle Services\)](#).

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	C-3	CS	CH	CM-LA	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	—	
Airstrip, private and temporary	CUP	CUP	CUP	—	
Airstrip, temporary	—	—	—	—	
Cannabis - Distribution	S	—	—	—	35.42.075
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (4)	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (5)	P	P	P	P	
Flood control project, 20,000 sf or more total area (5)	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	—	
Parking facility, public or private	P	—	—	MCUP	
Pier, dock	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (5)	P	P	P	P	
Road, street, 20,000 sf or more total area (5)	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.44
Transit station or terminal	P	—	P	—	
Utility service line with less than 5 connections (4)	—	—	—	P	
Utility service line with 5 or more connections (4)	—	—	—	P	
Vehicle dispatch facility	MCUP	—	—	—	
Vehicle storage	—	—	—	—	
Wind turbines and wind energy systems	S	S	S	—	35.57

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
LAND USE (1)	C-3	CS	CH	CM-LA	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	—	
Onsite wastewater treatment system, individual, conventional	E	E	E	—	
Onsite wastewater treatment system, individual, supplemental	E	E	E	—	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	
Reservoir, less than 20,000 sf of total development	P	P	P	—	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	—	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	—	
Water diversion project	P	P	P	—	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	E	E	—	
Water system with 2 to less than 5 connections	P	P	P	—	
Water system with 5 or more connections	MCUP	MCUP	MCUP	—	
Water well, agricultural	—	—	E	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).

Table 2-16 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	C-V	SC	PI	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—	—	—	
Agricultural processing	—	—	—	
Agricultural use as permitted on adjacent lot zoned AG or residential	—	—	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	35.42.060
Cannabis – Cultivation, nursery, and microbusiness	—	—	—	
Cultivated agriculture, orchard, vineyard	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P(3)	P(3)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	35.82.160
Oil and gas uses	—	—	—	

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	—	—	—	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	
Cannabis - Manufacturing	—	S	—	35.42.075
Cannabis - Testing	—	—	S	35.42.075
Handcraft industry, small scale manufacturing	—	—	—	
Laundry, dry cleaning plant	—	—	—	
Media production	—	—	—	
Metal products fabrication, machine and welding shops	—	—	—	
Printing and publishing	—	—	—	
Recycling - Small collection center	—	—	—	
Recycling - Small collection center, non-profit	—	—	—	
Recycling - Specialized materials collection center	—	—	—	
Sign fabrication and painting shop	—	—	—	
Sign painting shop	—	—	—	
Storage - Contractor equipment storage yard	—	—	—	
Storage - Personal storage facility (mini storage)	—	—	—	
Storage - Warehouse, not used for wholesaling or distribution	—	—	—	
Wholesaling and distribution	—	—	—	
Wholesaling and distribution - Essential to agriculture, except	—	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal-Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground		CUP	—	—	CUP	
Commercial entertainment - Indoor	—	—	CUP	—	—	
Commercial entertainment - Outdoor	—	—	—	—	—	
Community center	—	—	—	P	P	
Conference center	P (3)	P	CUP	CUP	CUP	
Country club	P (3)	P	CUP	P	P	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Fitness/health club or facility	—	—	CUP	P	P	
Golf course	P	P	CUP	P	P	
Golf driving range	CUP	CUP	CUP	CUP	CUP	
Library	CUP	CUP	CUP	P	P	
Meeting facility, public or private	CUP	CUP	CUP	P	P	
Meeting facility, religious	CUP	CUP	CUP	P	CUP	
Museum	CUP	CUP	CUP	P	P	
Park, playground	P	P	—	—	—	
Recreational vehicle (RV) park	CUP	CUP	—	—	—	
School	CUP	CUP	CUP	P	P	
School - Business, Professional, or Trade	CUP	CUP	CUP	P(4)	P(4)	
Sports and outdoor recreation facility	P	P	CUP	CUP	CUP	
Sports or entertainment assembly facility	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	P	P	
Theater - Indoor	—	—	—	—	—	
Theater - Outdoor	—	—	—	—	—	
Trail for hiking or riding	P	P	—	—	—	

RESIDENTIAL USES

Caretaker/Manager dwelling	MCUP	—	—	—	—	35.42.080
Dwelling, one-family	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	MCUP	—	—	MCUP	—	35.42.135
Farmworker housing complex	—	—	—	—	—	35.42.135
Mixed use project residential component	—	MCUP	—	MCUP	MCUP	35.42.200
Monastery	CUP	—	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	—	MCUP	MCUP	
Residential use existing as of July 19, 1982	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Transitional and supportive housing	MCUP	—	MCUP	MCUP	—	35.42.090

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Destination-type facility required; see [Section 35.24.060 \(C-V Zone Additional Standards\)](#).
- (4) Not including trade schools using heavy equipment.

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	C-V	SC	PI	

RETAIL TRADE

Auto and vehicle sales and rental	—	—	—	
Bar, tavern	—	—	—	
Building and landscape materials - Indoor	—	—	—	
Building and landscape materials - Outdoor	—	—	—	
Cannabis - Retail	—	S	—	35.42.075
Convenience store, less than 3,000 sf net floor area	—	—	—	
Convenience store, 3,000 sf or more net floor area	—	—	—	
Drive-through facility	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	—	—	
Fuel dealer	—	—	—	
General retail	—	—	—	
Grocery/food store, 3,000 sf or less	—	—	—	
Grocery/food store, 5,000 sf or less	—	—	—	
Grocery/food store, more than 5,000 sf	—	—	—	
Mobile home, boat, and RV sales and repair	—	—	—	
Office supporting retail	—	—	P	
Plant nursery	—	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	—	
Restaurant, café, coffee shop - Within an office building	—	—	CUP	
Service station	—	—	—	
Shopping center - Community	—	S	—	
Shopping center - Convenience	—	S	—	
Swap meet	—	—	—	
Truck stop	—	—	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	—	
Visitor-serving commercial	P(43)	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- ~~(3) May be approved only in an area designated rural on the Coastal Land Use Plan maps, and where no other gasoline retail sales exists within 10 miles of site perimeter.~~
- (43) Use only allowed accessory and incidental to an approved resort/visitor-serving facility.

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	—	—	P	P	
Bank, financial services - Complete facility	—	—	—	P	P	
Business support service	—	—	—	P	P	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	—	P	CUP	CUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	P	P	
Medical services - Doctor office	—	—	—	P	P	
Medical services - Extended care	CUP	CUP	CUP	P	P	
Medical services - Hospital	CUP	CUP	CUP	P	P	
Office - Business/service	—	—	S (3)	P	P	
Office - Professional/administrative	—	—	S (3)	P	P	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	P	P	
Charitable or philanthropic organization	CUP	CUP	CUP	P	P	
Large family day care home	P	P	—	P	P	35.42.090
Small family day care home	E	E	—	E	E	35.42.090
Daycare center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	P	P	35.42.090
Day care center, Residential	MCUP	MCUP	—	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Bed and breakfast inn	—	—	—	—	—	
Lodging - Guest ranch	P	P	—	—	—	
Lodging - Homestay	—	—	—	—	—	
Lodging - Hostel	CUP	—	CUP	CUP	—	
Lodging - Hotel or motel	P	P	—	—	—	
Lodging - Resort	P	P	—	—	—	
Lodging - Short-term rental	P	—	P	—	—	35.42.245
Mortuary	—	CUP	—	—	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	CUP	—	
Personal services	—	—	—	P	P	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	—	
Repair service - Farm implements and equipment	—	—	—	—	—	
Vehicle services - Carwash, mechanical	—	—	—	—	—	
Vehicle services - Major repair, bodywork	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	—	—	—	
Vehicle services - With outdoor work areas	—	—	—	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) See [Section 35.24.070 \(SC Zone Additional Standards\)](#).

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)		
	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	C-V	SC	PI	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	
Cannabis - Distribution	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	
Electrical transmission line (4)-(5)	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	—	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	—	
Heliport	CUP	CUP	CUP	
Parking facility, public or private	—	—	—	
Pier, dock	P	—	—	
Pipeline - Oil and gas	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	
Public works or public service structures	—	—	—	
Road, street, less than 20,000 sf total area (65)	P	P	P	
Road, street, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	
Telecommunications facility	S	S	S	35.44
Transit station or terminal	—	—	—	
Utility service line with less than 5 connections (4)	—	—	—	
Utility service line with 5 or more connections (4)	—	—	—	
Vehicle dispatch facility	—	—	—	
Vehicle storage	—	—	—	
Wind turbines and wind energy systems	S	S	S	35.57

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C \(Commercial Zone Allowable Land Uses\)](#).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) ~~Not allowed in VC overlay.~~
- (65) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal-Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP	MCUP		
Onsite wastewater treatment system, individual, conventional	E		E	E		
Onsite wastewater treatment system, individual, supplemental	E		E	E		
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	P	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	P	P	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	P	E	E	P	
Water system with 2 to less than 5 connections	P	MCUP	P	P	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	—	—	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).

35.24.040 - Commercial Zones Development Standards

- A. General standards.** Development within the commercial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-17 (Commercial Zones Development Standards) below, and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~
- B. Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-17 - Commercial Zones Development Standards

Development Feature	Requirement by Zone		
	CN Neighborhood Commercial	C-1 Limited Commercial	C-2 Retail Commercial
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None required; minimum lot size shall be determined by the review authority through the subdivision review process.	None required; minimum lot size shall be determined by the review authority through the subdivision review process, except 5,000 sf in Summerland and 7,000 sf elsewhere shall be required for a lot with only a residential use.	None required; minimum lot size shall be determined by the review authority through the subdivision review process.
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	None allowed.	One unit per existing lot; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) .	Section 35.42.200 (Mixed Use).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	50 ft from road centerline, and 20 ft from right-of-way.	30 ft from road centerline, and 15 ft from right-of-way; An open canopy, porch, or similar structure may extend to within 5 ft of the right-of-way.	30 ft from road centerline, and 10 ft from right-of-way; 42 ft from centerline and 10 ft from right-of-way of 2- lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft into the setback, but not into a right-of-way.
Front - Secondary	Same as front.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback.	
Side	5 ft	10% of lot width, with no less than 5 ft or more than 10 ft required.	None; 3 ft minimum when provided.
Rear	10% of lot depth to a maximum requirement of 10 ft; 25 ft if abutting a residential zone. See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
Building separation	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.		
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>		
Maximum coverage	30%.	No maximum.	No maximum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	35 ft. Toro Canyon Plan area - 25 ft for a residential structure.	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards) .		
Parking	See Chapter 35.36 (Parking and Loading Standards) .		
Signs	See Chapter 35.38 (Sign Standards) .		

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	C-3 General Commercial	C-S Service Commercial	CH Highway Commercial
Minimum lot size Area	<i>Minimum area for lots proposed in new subdivisions.</i>		
	None.	None.	None.
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
	None allowed.	None allowed.	None allowed.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front – Primary	30 ft from road centerline, and 10 ft from right-of-way; 42 ft from centerline and 10 ft from right-of-way of 2-lane expressway or street with 4 or more lanes; An open canopy, porch or similar structure may encroach up to 12 ft into the setback, but not into a right-of-way.		15 ft from right-of-way.
Front – Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback.	Same as primary front setback.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback.
Side	None; 3 ft minimum when provided.		None; except that if the lot abuts a different zone, the abutting zone’s side setback applies.
Rear	10% of lot depth, with 10 ft maximum required; 25 ft where rear lot line abuts a residential zone.		None; except if lot abuts a different zone, the abutting zone’s rear setback applies.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		
	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.		None.
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>		
	No maximum.	No maximum.	40%
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
	35 ft.	35 ft.	35 ft. Toro Canyon Plan area - 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	CM-LA Community Mixed Use - Los Alamos	C-V Visitor-Serving Commercial
Minimum lot size Area	<i>Minimum area for lots proposed in new subdivisions.</i>	
	None.	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
	See Section 35.24.070; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units) .	See Table 2-16 - RESIDENTIAL USES
Setbacks Front - Primary Front - Secondary Side Rear Building separation	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
	See Section 35.24.070.	50 ft from road centerline, and 20 ft from right-of-way.
	See Section 35.24.070.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum. Lot width 100 ft or more - Same as primary front setback.
	See Section 35.24.070.	20 ft; 50 ft from a lot zoned residential.
	See Section 35.24.070.	Same as side
	None required, however if provided any separation shall be a minimum of five feet.	5 ft for a residential building and any other building; none required otherwise.
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>	
	None.	30% on a lot surrounded by residential zoning; no maximum elsewhere.
Open space Minimum open space	<i>Minimum percentage of net site area to be maintained in public and/or common open space.</i>	
	None.	40%.
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
	35 ft.	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards) .	
Parking	See Chapter 35.36 (Parking and Loading Standards) .	
Signs	See Chapter 35.38 (Sign Standards)	

Table 2-17 - Commercial Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	SC Shopping Center	PI Professional and Institutional
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>	
Area	None required; minimum lot size shall be determined by the review authority through the subdivision approval process.	
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	See Table 2-16 - RESIDENTIAL USES	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
Front - Primary	20 ft from right-of-way.	45 ft from road centerline and 15 ft from right-of-way; 20 ft for a garage or carport that opens directly on the street.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum. Lot width 100 ft or more - Same as primary front setback.	
Side	20 ft when a Convenience Center abuts a residential zone; 50 ft when Community Center abuts residential zone; 10 ft elsewhere.	15 ft.
Rear	Same as side	
Building separation	None required.	Buildings containing dwellings shall be located a minimum of 5 feet from any other detached building on the same building site.
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	
Maximum coverage	30%.	40% (for buildings only).
Open space	<i>Minimum percentage of net site area to be maintained in public and/or common open space.</i>	
Minimum open space	No minimum.	No minimum.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	35 ft.	35 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards) .	
Parking	See Chapter 35.36 (Parking and Loading Standards) .	
Signs	See Chapter 35.38 (Sign Standards)	

35.24.050 - CN, C-1, C-2, C-3, C-S, CH, and PI Zones Additional Standards

Proposed development and new land uses within the CN, C-1, C-2, C-3, C-S, CH and PI zones shall comply with the following standards, in addition to those in [Section 35.24.040 \(Commercial Zones Development Standards\)](#).

A. CN zone standards.

1. **Enclosure of activities required.** All retail uses that supply commodities and service uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building, except for service stations and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

B. C-1 zone standards.

1. **Enclosure of activities required.**
 - a. **Retail and service uses.** All retail uses that supply commodities and service uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur

within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.

b. Storage and trash enclosures. Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

2. One-family dwellings. A one-family dwelling may be established within the C-1 zone only on a lot with no commercial use. Where a one-family dwelling is allowed, any residential accessory use or structure shall comply with the requirements of [Section 35.42.020 \(Accessory Structures and Uses\)](#).

C. C-2 zone standards.

1. Enclosure of activities required.

a. Machinery service and repair uses. Auto and machinery repair and service activities allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, or within an area enclosed by a solid wall, hedge, or fence a minimum of six feet in height, approved as to design by the Director.

b. Retail uses. All retail uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.

2. Storage and trash enclosures. Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

D. C-3 zone standards.

1. Enclosure of activities required. Within the C-3 zone, the land use types identified by Table 2-15 (Allowed Land Uses and Permit Requirements for the Commercial Zones) as requiring enclosure shall occur within a completely enclosed building, except that materials may be stored within an area enclosed by a solid wall, fence, or hedge not less than six feet in height.

2. Storage and trash enclosures. Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

E. C-S zone standards.

1. Enclosure of activities required. Within the C-S zone, the land use types identified by Table 2-15 (Allowed Land Uses and Permit Requirements for the Commercial Zones) as requiring enclosure shall occur within a completely enclosed building, except that materials may be stored within an area properly screened from and aesthetically compatible with neighboring use, as determined by the review authority.

2. Storage and trash enclosures. Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

F. PI zone standards.

1. Limitations on use. No sales, production, repair, or processing shall take place on any property zoned PI, except to the extent necessary for and incidental to the operation of permitted or conditionally permitted uses.

2. Restaurant within office building. A restaurant located in an office building may include bar or cocktail lounge accessory to a restaurant, but not a drive-through.

35.24.060 - C-V Zone Additional Standards

Proposed development and new land uses within the C-V zone shall comply with the following standards, in addition to those in [Section 35.24.040 \(Commercial Zones Development Standards\)](#).

- A. Allowable uses.** The approval of visitor-serving commercial uses shall require that the review authority first determine that each commercial use is designed and limited to be incidental and directly oriented towards the needs of visitors, is part of a larger resort/visitor-serving facility, and will not substantially change the character of the larger resort/visitor-serving facility of which it is part.
- B. Destination facilities required—~~Inland area.~~** Allowed resort, guest ranch, hotel, motel, country club, convention and conference center uses shall be of a self-contained, destination-point nature, rather than primarily providing short-term overnight accommodations for travelers.

35.24.070 - CM-LA Zone Additional Standards

Proposed development and new land uses within the CM-LA zone shall comply with the following standards in addition to those in [Section 35.24.040 \(Commercial Zones Development Standards\)](#).

- A. Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 20 feet.
- B. Determining the front line of lot for properties in the CM-LA zone.** For the purposes of the CM-LA zone district, all lots (including through lots and corner lots) with a front line abutting Bell Street shall be considered to have a front line on Bell Street unless the review authority finds that reasonable development of the property would be precluded.
- C. Streets in the CM-LA zone.** Streets that are located parallel to Bell Street (Waite, Leslie, and portions of Main Street) shall be considered through streets. Streets that are located perpendicular to Bell Street (Centennial Street) shall be considered secondary streets.
- D. Limitations on bedrooms, floor area, uses, and location of dwelling units in the CM-LA zone.**
 - 1. A residential use shall not exceed two bedrooms per 700 square feet of gross floor area of commercial development on the same lot.
 - 2. Dwelling units are only permitted above the ground floor of buildings that abut:
 - a. Bell Street; and/or
 - b. A secondary street on a lot with a Bell Street front line, unless the majority of the building façade abuts a through street as shown in Figure 2-1a.
 - 3. Dwelling units are permitted on all floors of buildings that abut:
 - a. A secondary street on a lot without a Bell Street front line; and/or
 - b. A through street.
 - 4. Dwelling unit access from Bell Street is prohibited.
- E. Commercial buildings in CM-LA zone.**
 - 1. Commercial uses are allowed on all floors of buildings.
 - a. Only commercial uses are permitted on the ground floor of buildings that abut:
 - (1) Bell Street; and/or
 - (2) A secondary street on a lot with a Bell Street front line, unless residential uses are allowed on all floors in compliance with Subsections D.2 and D.3 above.

2. The floor area devoted to commercial uses is limited by the setbacks and build-to-lines shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures).
3. Buildings with a Bell Street frontline shall be commercial on the ground floor.

F. Setbacks and Build-to-Lines for structures. The setbacks in Table 2-18 apply as measured from the front line. Buildings shall be located within the shaded area shown in Figure 2-1 (Setbacks and Build-to-Lines for Structures) below.

Table 2-18 Setbacks and Build-to Lines for Structures

Building front line abutting Bell Street.	
a.	Bell Street setback: Zero ft.
b.	Secondary street setback: Zero ft.
c.	Side setback: Zero ft., however, exceptions may be allowed by the review authority for side setbacks that provide access to commercial parking and enhance pedestrian circulation. However, in no case shall the distance between buildings on the subject lot and on an adjacent lot abutting Bell Street exceed 10 ft.
d.	Front building rear build-to-line: 80 ft. maximum from edge of lot frontage.
Building front line not abutting Bell Street	
1.	Through street setback: Minimum five ft., not to exceed 15 ft.
2.	Rear setback when not adjacent to street: None required, however if provided shall be a maximum of 10 ft.
3.	Secondary street setback: None required, however, if provided shall not exceed 10 ft.
4.	Side setback: None required, however, if allowed by the review authority, shall not exceed 10 ft., unless additional setback area is needed to accommodate a driveway, in which case, the maximum setback shall be equivalent to the minimum required driveway width.
5.	Front building rear build-to-line: 60 ft. maximum from the edge of lot front line.

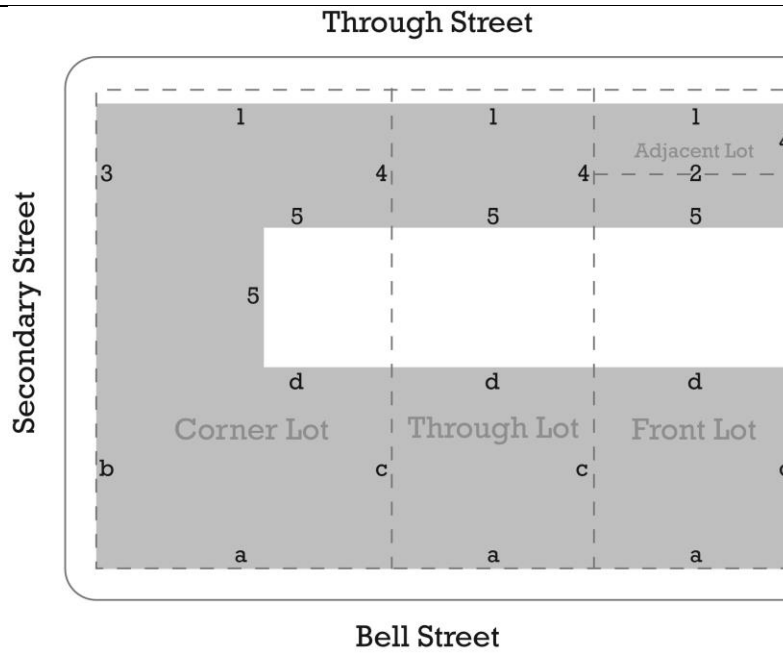


Figure 2-1 – Setbacks and Build-to-Lines for Structures

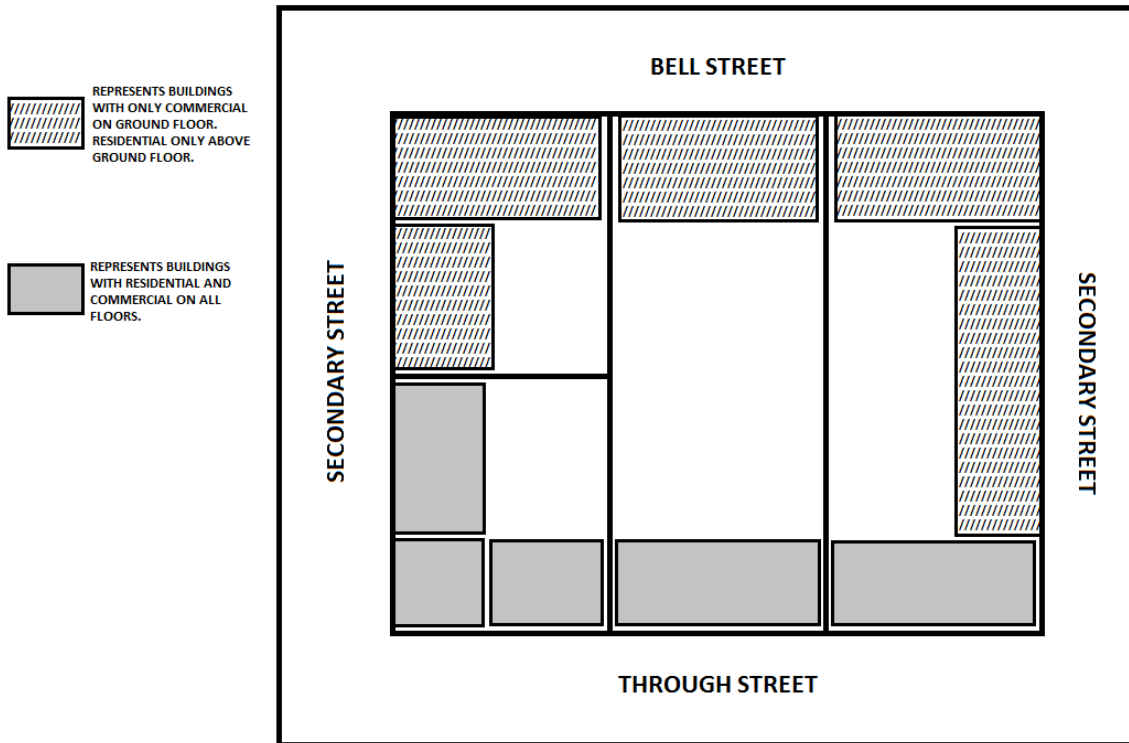


Figure 2-1a - Allowed Building Uses

- G. **Setbacks for parking.** The setbacks in Table 2-19 (Setbacks for Parking) apply as measured from the front line of the lot. Parking shall be located within the shaded area shown in Figure 2-2 (Setbacks for Parking) below.

Table 2-19 - Setbacks for Parking

Setbacks for Parking.	
a.	Bell Street setback: 50 ft. minimum.
b.	Secondary street setback: 5 ft. minimum.
c.	Side setback adjacent to existing parking area: None.
d.	Side setback adjacent to non-parking area: 5 ft. minimum.
e.	Rear setback - through lot: 35 ft. minimum from rear lot line opposite of the lot frontage.
e.1	However, exceptions may be approved by the review authority for phased developments on a through lot where the first phase of development occurs fronting Bell Street. Onsite parking may intrude into the thorough or secondary street parking setbacks up to the maximum allowable building setback. The setback area along the rear or secondary street property line shall be maintained in landscaping subject to review and approval by the applicable Board of Architectural Review. Onsite parking encroachment is temporary and is only allowed until such time as additional floor area devoted to residential or commercial development is developed on the lot.
f.	Rear setback - not a through lot: Zero to 5 ft. from adjacent lot.

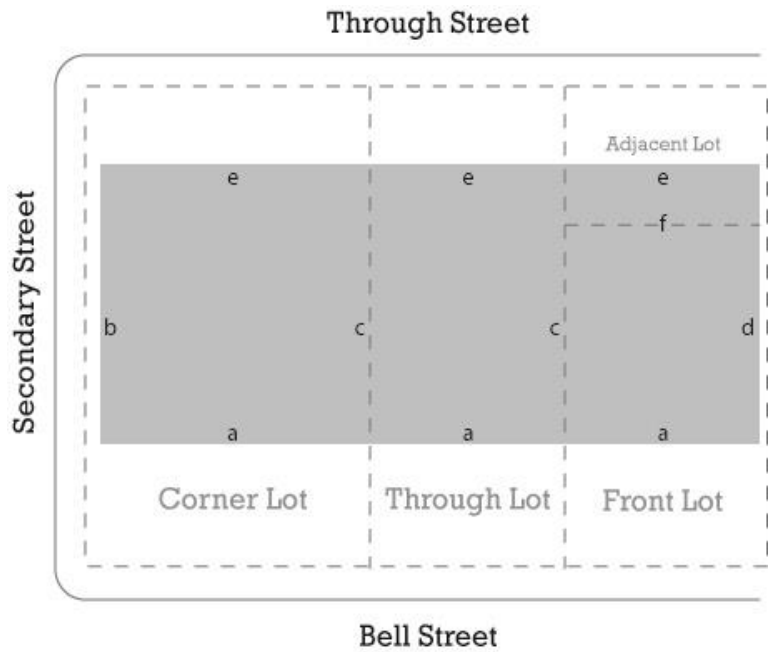


Figure 2-2 - Setbacks for Parking

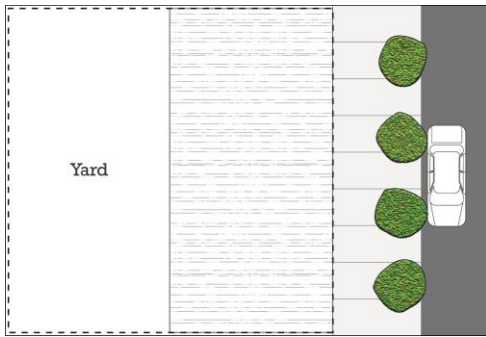
- H. Architectural encroachments.** Architectural features and signs may intrude into road right-of-ways in compliance with the following provided that an encroachment permit is first obtained from either Caltrans or the County Public Works Department.
1. Balconies, fire escapes, unenclosed porches, and shop front awnings may intrude a maximum of six feet into all right-of-ways and setback areas identified in Figure 2-1 (Setbacks and Build-to-Lines for Structures).
 2. Awnings shall be a minimum of eight feet high above the sidewalk. Above the ground floor, bay windows, chimneys, cantilevered rooms, and eaves may intrude a maximum of three feet into right-of-ways and all setback areas identified in Figure 2-1 (Setbacks and Build-to-Lines for Structures).
 3. Colonnades when installed as part of a gallery for retail uses shall be no less than 10 feet deep and overlap the whole width of the sidewalk to within two feet of the curb. The colonnade shall be no less than 12 feet clear in height.
 4. Signs (See [Section 35.38 Sign Standards](#) and the Bell Street Design Guidelines).
 5. The architectural feature or sign is in compliance with the Bell Street Design Guidelines and Chapter 10 (Building Regulations) of the County Code.
- I. Processing and site development standards.** Proposed development within the CM-LA zone shall comply with the following processing and site development standards.
1. **General.** The following standards shall apply to all development within the CM-LA zone.
 - a. **Vacant lots:** Development of vacant lots shall comply with the development standards as described in [Section 35.24.030](#) for the CM-LA zone. A vacant lot may be developed with only commercial uses. Residential density shall comply with [Section 35.24.070.D](#), above.
 - b. **Additions to structures on existing lots:** Development on lots with existing structures shall conform to the development standards as described in [Section 35.24.030](#) for the CM-LA zone.

Additions to existing structures containing commercial uses shall be limited by the setbacks as described in Figure 2-1 (Setbacks and Build-to-Lines for Structures).

- c. **Design review required:** Prior to the approval of any permits for structures, the project shall be approved or conditionally approved by the Board of Architectural Review in compliance with the Bell Street Design Guidelines and [Section 35.82.070 \(Design Review\)](#).

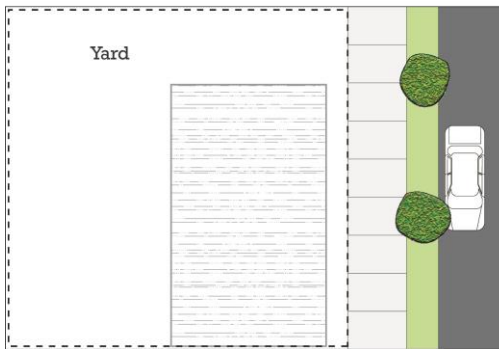
J. Building Types. Setbacks create yard spaces that characterize building types. The following building types shall apply in the CM-LA zone.

Drawings not to scale.



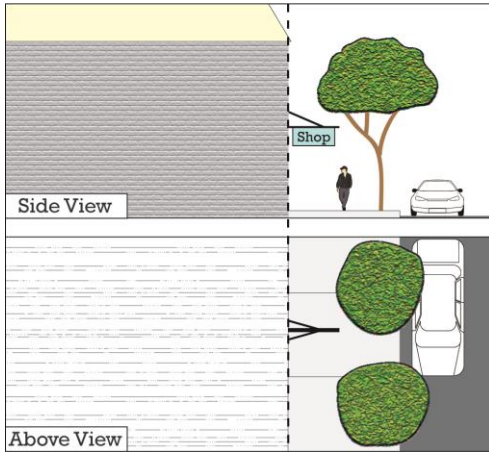
Above View

Rear Yard Building Type - This type of building occupies the entire width of a property, leaving the rear of the lot as the sole yard. This is an urban building type as the continuous facade steadily defines its interface with the public thoroughfare. The location of the rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse, duplex, or triplex. For commercial or mixed-uses, the rear yard can accommodate substantial parking. Parking shall be required to be located in the rear of the lot.



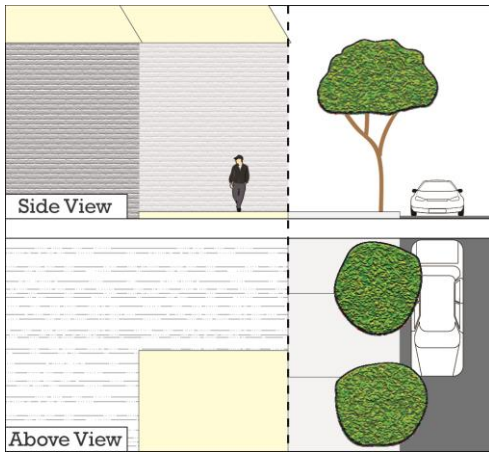
Side Yard Building Type - This type of building is located adjacent to one side of the lot and provides a setback (side yard) from the other side. A front setback is permitted on secondary streets to accommodate residential development; however a setback shall not be provided for the portion of the building facing Bell Street. The side yard shall be designed as to allow access to the interior of the lots for pedestrians and parking.

K. Facade Types - Buildings with a front line on Bell Street. The following building facade types shall be used for buildings with a front line on Bell Street in the CM-LA zone.

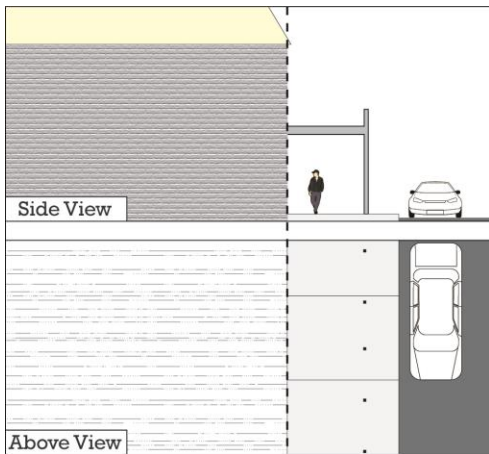


Shopfront: Shopfronts are facades placed at or close to the right-of-way line with the entrance at the sidewalk grade. This type is conventional for retail frontage and is commonly equipped with awnings. Recessed entryways are required with a shop front.

Drawings not to scale.



Forecourt: The main facade of the building is at or near the street frontage line and a small percentage of it is set back, creating a small courtyard area. The area could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or fence 32 inches to 42 inches in height could be used to define the forecourt area. The depth of the forecourt shall be no more than 20 feet and be no wider than 50 percent of the building width.



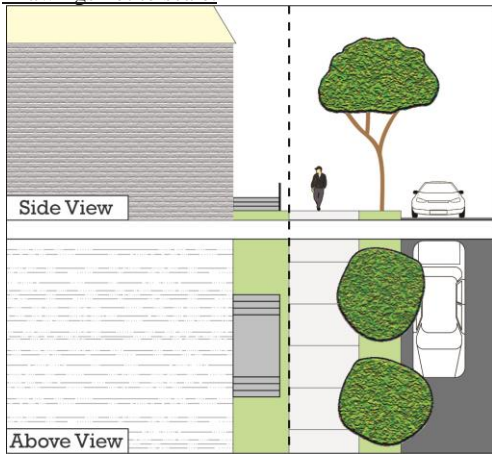
Gallery: Galleries are shopfronts with an attached colonnade that projects over the sidewalk and encroaches into the public right-of-way. This frontage type is ideal for retail use but only when the sidewalk is fully absorbed within the colonnade so that a pedestrian cannot bypass it. The colonnade shall be no less than 10 feet deep and overlap the whole width of the sidewalk to within two feet of the curb. The colonnade shall be no less than 12 feet clear in height.

L. Building Façade Types - Buildings Not Facing Bell Street. The following façade types shall be used for buildings with a front line on a through or secondary street in the CM-LA zone.

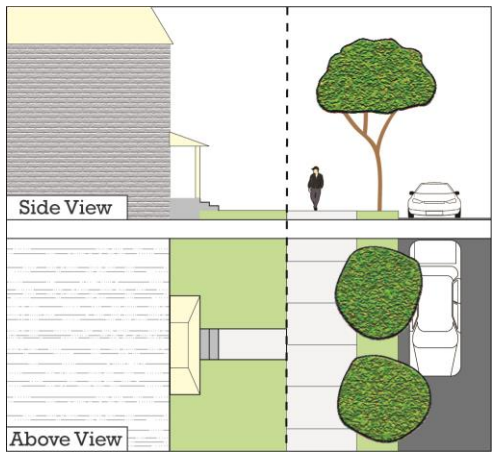


Common Yard: The main façade of the building has a setback from the front line. The resulting front yard can be defined or undefined at the front line. This edge is typically defined by a fence or hedge within a traditional neighborhood or left undefined within more rural areas or subdivisions. Common yards are typical for larger homes within historic neighborhoods. A front porch is optional.

Drawings not to scale.



Stoop: The building façade is near the front line and the elevated stoop engages the sidewalk. The stoop should be elevated a minimum of 24 inches above the sidewalk to ensure privacy within the building. The stairs from the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop should be five feet. This type is appropriate for residential uses with small setbacks.



Porch: The building façade has a small setback from the front line. The resulting front yard is typically very small and can be defined by a fence or hedge. The porch can encroach into the setback to the point that the porch extends to the front line. A minimum depth of six feet clear is required within the development standards to ensure usability.

M. Entry Doors. Entry doors for commercial establishments shall be located at intervals no greater than 50 feet along Bell Street.

N. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view to the maximum extent feasible. Solid waste and recycling storage facilities shall also be in compliance with [Section 35.30.170 \(Solid Waste and Recycling Storage Facilities\)](#).

- O. Utilities.** Utilities shall be located so as to not be visible from the public right-of-way if feasible. Mechanical equipment, including solar energy systems, should not be visible from the street if feasible.
- P. Modification of development standards.** As part of the Design Review process required in compliance with Subsection I.1.c., above, the Board of Architectural Review shall review the proposed development to determine if the development complies with the Development Standards in Subsections H. through M. above. The applicant may request modifications of the Development Standards in Subsections H. through M., above, and the Board of Architectural may grant such modifications in compliance with the following:
 - 1. Request for modification of two or fewer development standards:** At the request of the applicant, the Board of Architectural Review may modify a maximum of two development standards only if it first finds that the configuration of the lot and application of said development standard(s) would limit reasonable development of the project that would otherwise comply with the Development Standards in Subsections H. through M. above.
 - 2. Request for modification of three or more development standards:** If the applicant requests modification of three or more development standards, the project shall be processed as a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#), and the Planning Commission shall be the review authority for said Development Plan.
 - a. The Board of Architectural Review shall review the intent of each Site Development Standard that is requested to be modified, and shall make a recommendation to the Planning Commission as to whether the requested modifications should be approved, conditionally approved, or denied.
 - b. After receipt of the recommendation from the Board of Architectural Review, the Planning Commission may modify the development standards requested for modification as part of the Commission’s action on the project.

35.24.080 - SC Zone Additional Standards

Proposed development and new land uses within the SC zone shall comply with the following standards, in addition to those in [Section 35.24.040 \(Commercial Zones Development Standards\)](#).

- A. Allowed shopping center types and minimum site area requirements.** The following types of shopping centers are allowed within the SC zone, subject to the minimum site area requirements noted.

Table 2-20 - Shopping Center Minimum Site Area

Shopping Center	Net Area
Convenience Center	2 acres to less than 12 acres
Community Center	12 acres or more

- B. Land use types allowed in shopping centers.** Shopping centers within the SC zone shall be limited to the land use types identified in Table 2-21 (Allowable Land Uses and Permit Requirements) for the SC Zone below, subject to the planning permit requirements noted in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- C. Enclosure of activities required.** Within the SC zone, the land use types identified by Table 2-16 (Allowed Land Uses and Permit Requirements for the Commercial Zones) and Table 2-21 (Allowable Land Uses and Permit Requirements for the SC Zone) shall occur within a completely enclosed building, except for service stations or other appropriately screened outdoor uses specifically approved by the review authority.
- D. Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

Table 2-21 - Allowable Land Uses and Permit Requirements for the SC Zone

Land Use Type	Permit Requirement	
	Convenience Center	Community Center

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Commercial recreation - Indoor	CUP	CUP
Theater	CUP	CUP

RETAIL TRADE (1)

Apparel store	—	P
Book store	—	P
Certified farmers market	MCUP	MCUP
Department store	—	P
Drive-in and drive-through facilities	CUP	CUP
Drug store	P	P
Furniture, furnishings, and appliance/equipment store	P	P
Grocery/food store	P	P
Hardware store	P	P
Jewelry store	—	P
Liquor store	P	P
Pet-shop	P	P
Restaurant, café, coffee shop, bar, deli	P	P
Service station	MCUP	MCUP
Service station as part of a shopping center	P	P
Sporting goods store	—	P
Variety store	—	P

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank - Branch facility	P	P
Drive-through facility	CUP	CUP
Medical services - Animal hospital, small animals	P	P
Offices, 20% or less gross floor area within center	P	P
Offices, more than 20% of gross floor area within center	CUP	CUP

SERVICES - GENERAL (1)

Barber and beauty shop	P	P
Child care center, Non-residential	MCUP	MCUP
Child care center, Non-residential, accessory	P	P
Laundromats	P	P
Laundry and dry cleaning pick-up stores	P	P
Shoe repair		P

Notes:

- (1) The Director may determine that a proposed use not specifically listed as an permitted use within Table 2-21 may also be allowed as a permitted use in compliance with Section 35.20.030.A.3.b.
- (2) Not exceeding a maximum floor area of 2,000 square feet.

CHAPTER 35.25 - INDUSTRIAL ZONES

Sections:

- 35.25.010 - Purpose
- 35.25.020 - Purposes of Industrial Zones
- 35.25.030 - Industrial Zones Allowable Land Uses
- 35.25.040 - Industrial Zones Development Standards
- 35.25.050 - Industrial Zones Additional Standards

35.25.010 - Purpose

This Chapter identifies the land uses that may be allowed within the Industrial zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use and provides basic standards for site layout and project design.

35.25.020 - Purposes of Industrial Zones

The purposes of the individual industrial zones and the manner in which they are applied are as follows.

- A. **M-RP (Industrial Research Park) zone.** The M-RP zone is intended to provide areas exclusively for light industry, technical research, and business headquarters office as the primary land use types, uses in well-designed buildings and attractively landscaped areas. The intent is to establish development standards and landscaping requirements to ensure a park-like environment for the uses permitted and compatibility with adjacent non-industrial areas.
- B. **M-1 (Light Industry) zone.** The M-1 zone is intended to provide areas exclusively for light industrial uses. The intent is to encourage sound industrial development through appropriate areas for these uses, and to protect nearby residential, commercial, and industrial uses from hazards, noise, and other disturbances.
- C. **M-2 (General Industry) zone.** The M-2 zone is intended to provide areas for all types of industrial uses while providing the level of project review necessary to ensure that adverse impacts will be minimized and that these uses will be compatible with surrounding properties.
- D. **M-CR (Coastal-Related Industry) zone.** The M-CR zone is intended to provide areas that are appropriate for coastal-related industrial uses within the Inland area. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible.
- ~~E. **M-CD (Coastal-Dependent Industry) zone.** The M-CD zone is applied within the Coastal Zone to areas appropriate for certain energy and industrial uses that require a site on, or adjacent to the sea to function. The intent is to provide standards and conditions that will ensure that environmental damage will be avoided or minimized to the maximum extent feasible while accommodating those industrial uses determined to be Coastal-Dependent Industry.~~

35.25.030 - Industrial Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-22 (Allowed Land Uses and Permit Requirements for Industrial Zones) identifies the uses of land allowed by this Development Code in each industrial zone and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-22 (Allowed Land Uses and Permit Requirements for Industrial Zones) includes a section number, the referenced Section may affect whether the use requires a ~~Coastal Development Permit or~~

Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.

C. Accessory uses and structures. A use allowed by Table 2-22 (Allowed Land Uses and Permit Requirements for Industrial Zones) may include accessory uses and structures as follows.

1. **M-1 and M-2 zones.** Accessory structures and uses customarily incidental to a permitted use, not including retail sale by a manufacturing enterprise.
2. **~~M-CD, M-CR,~~ and M-RP zones.** Accessory structures and uses customarily incidental to a permitted use.

D. Development Plan approval required.

1. **M-RP, M-1, M-2 zones.** Within the M-RP, M-1, or M-2 zones, Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to any development, including grading, except as provided in Subsection D.1.b, below.
 - a. Final Development Plan approval is required for a structure that is accessory to a permitted agricultural use, other than an agricultural reservoir, and that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
 - b. **Certain allowed agricultural uses in the M-1 and M-2 zones.** Within the M-1 and M-2 zones, agricultural uses that are permitted on an adjacent lot zoned agricultural or residential do not require the approval of a Development Plan and may be allowed in compliance with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
2. **M-CR zone.** Within the M-CR zone, Final Development Plan approval is required for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

E. Design Review required.

1. Design Review is required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in the M-RP, M-1, and M-2 zones, in compliance with [Section 35.82.070 \(Design Review\)](#).
2. Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or alteration of, an existing structure in the ~~MC-D and MC-R (Coastal and Inland)~~ zones, in compliance with [Section 35.82.070 \(Design Review\)](#).

Table 2-22 Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	M-RP	M-1	M-2	M-CR	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—	P	P	P	35.42.020
Agricultural processing	—	P	P	P(3)	
Agricultural processing - Extensive	—	P	P	—	
Agricultural use as permitted on adjacent lot zoned AG or residential	—	P	P	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	35.42.060
Aquaculture	P	P	—	P	35.42.070
Cannabis – Cultivation and nursery	S	S	S	—	35.42.075
Cannabis –Microbusiness	—	S	S	—	35.42.075
Cultivated agriculture, orchard, vineyard	—	E	E	E	
Grazing	—	—	—	E	
Greenhouse	—	—	—	P	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(4)	P(4)	P(4)	P(4)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	35.82.160
Oil and gas uses	S	S	S	S	35.5
Winery	—	P(6 5)	P(6 5)	S(7 6)	

Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry	M-CR	<u>Coastal-Related Industry</u>

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.25.030.D \(Development Plan approval required\)](#).
- (3) Restricted to products produced on-premise and in compliance with [Section 35.42.040 \(Agricultural Processing Facilities\)](#)
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.
- ~~(5) Requires a site on or adjacent to the sea to be able to function at all.~~
- (~~6~~5) Does not include tasting rooms or onsite retail sales.
- (~~7~~6) Subject to the regulations of [Section 35.42.280 \(Wineries\)](#).

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
Allowed Land Uses and Permit Requirements for Industrial Zones	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	M-RP	M-1	M-2	M-CR	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING					
Appliance manufacturing	—	—	P	—	
Bakery and baked goods production and distribution	—	P	P	—	
Boat building and sales - Indoor and outdoor	—	P	P	—	
Business machine manufacturing and assembly	P	P	P	—	
Cannabis - Manufacturing	S	S	S	—	35.42.075
Cannabis - Testing	S	S	S	—	35.42.075
Ceramic product manufacturing	P	P	P	—	
Chemical product manufacturing	—	—	CUP	—	
Concrete, gypsum and plaster products	—	P	CUP	—	
Cosmetic and pharmaceutical manufacturing	P	P	P	—	
Electronics assembly	P	P	P	—	
Electronics equipment manufacturing	P	P	P	—	
Explosives, fireworks, and ordinance manufacturing	—	—	CUP	—	
Fertilizer plant	—	—	CUP	—	
Fish cannery	—	—	CUP	—	
Food and beverage product manufacturing	—	P	P	—	
Foundry	—	P(3)	P	—	
Furniture/fixtures manufacturing, cabinet shops	—	P	P	—	
Handcraft industry, small scale manufacturing	P	P	P	—	
Laboratory - Medical, analytical, research and development	P	P	P	—	
Laundry, dry cleaning plant	—	P	P	—	
Lumber and wood product manufacturing	—	P	CUP	—	
Media production	—	—	—	—	
Merchandise manufacturing	—	P	P	—	
Metal products fabrication, machine and welding shops	—	P(4)	P	—	
Motor vehicle and transportation equipment manufacturing	—	P(5)	P	—	
Music recording studio	CUP	CUP	CUP	CUP	
<i>Additional INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING uses are listed on the following page.</i>					

Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry	M-CR	Coastal-Related Industry

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.25.030.D \(Development Plan approval required\)](#).
- (3) Limited to the casting of lightweight non-ferrous metal not causing noxious fumes or odors.
- (4) Does not include drop hammers.
- (5) Limited to automobiles.

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed			
	PERMIT REQUIRED BY ZONE			
LAND USE (1)	M-RP	M-1	M-2	M-CR

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING - CONTINUED

Oil refining	—	—	CUP	—	
Paving and roofing material manufacturing	—	P	CUP	—	
Petroleum product storage and distribution	—	P	P	—	
Precision machine shop	P	P	P	—	
Primary metal industries	—	—	CUP	—	
Printing and publishing	P	P	P	—	
Recycling - Community recycling facility	—	P	—	—	
Recycling - Processing facility	—	—	P	—	
Recycling - Scrap or dismantling yard	—	—	P	—	
Recycling - Small collection center, non-profit	—	P	—	—	
Recycling - Specialized materials collection center	—	—	P	—	
Research and development	P	P	P	—	
Sign fabrication and painting shop	—	P	P	—	
Slaughterhouse, stockyard, rendering plant	—	—	CUP	—	
Stone and cut stone products	—	P	CUP	—	
Storage - Contractor equipment storage yard	—	P	—	—	
Storage - Equipment storage yard	—	P	P	—	
Storage - Personal storage facility (mini storage)	—	P	—	—	
Storage - Warehouse	P	P	P	—	
Tannery	—	—	CUP	—	
Wholesaling and distribution	P	P	P	—	

Key to Zone Symbols

M-RP	Industrial Research Park	M-2 M-CR	General Industry Coastal-Related Industry
M-1	Light Industry	M-CR M-CD	Coastal-Related Industry Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.25.030.D](#) (Development Plan approval required).

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	M-RP	M-1	M-2	M-CR	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Conference center	CUP	CUP	CUP	CUP	
Country club	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Fitness/health club or facility	CUP	—	—	—	
Fitness/health club or facility, accessory	P	P	—	—	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range, practice/putting range	CUP	CUP	CUP	CUP	
Library, museum	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	
School - Business, professional, or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility, accessory	P	P	—	—	

RESIDENTIAL USES

Emergency shelter	P	P	—	—	
Employee residence (3)	—	—	—	CUP	
Farmworker dwelling unit	—	—	—	—	35.42.135
Farmworker housing complex	P	P	(4)	P	35.42.135
Monastery	CUP	CUP	CUP	CUP	
Special care home	MCUP	MCUP	MCUP	MCUP	
Transitional and supportive housing	S	S	S	S	35.42.090

RETAIL TRADE

Auto and vehicle sales and rental	—	—	—	—	
Bar, tavern, brew pub	—	P	—	—	
Building and landscape materials sales - Indoor	—	P	—	—	
Building and landscape materials sales - Outdoor	—	P	—	—	
Cannabis - Retail	—	S	—	—	35.42.075
Drive-through facility, accessory	CUP	CUP	CUP	CUP	35.42.130
Farm supply and feed store	—	P	—	—	
Office-supporting retail	P	P	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	—	—	
Service station	—	—	—	—	

Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry	M-CR	Coastal-Related Industry

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.25.030.D (Development Plan approval required).
- (3) Dwellings maybe allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal-Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	—	—	—	—	—	—	
Bank, financial services - Complete facility	—	—	—	—	—	—	—	
Business support services	P	P	P	—	—	—	—	
Drive-through facility, accessory	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Animal hospital, small animals	—	—	P	—	—	—	—	
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Office - Accessory	P	P	P	P	P	P	P	
Office - Executive headquarters	P	P	P	—	—	—	—	

SERVICES - GENERAL

Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Large family day care home	—	—	—	—	P	P	P	35.42.090
Small family day care home	—	—	—	—	E	E	E	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	P	P	—	—	—	—	35.42.090
Day care center, Residential	—	—	—	—	MCUP	MCUP	MCUP	35.42.090
Drive through facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Homestay	—	—	—	—	—	—	—	
Lodging - Hostel	CUP	—	CUP	CUP	CUP	—	CUP	
Lodging - Hotel or motel	—	—	P	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	—	—	
Mausoleum	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Mortuary	—	CUP	—	—	—	CUP	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Music recording studio	CUP	—	CUP	CUP	CUP	—	CUP	
Personal services, employees only	P	P	P	—	—	—	—	
Public safety facility	—	—	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	—	P	P	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	—	P	P	—	—	—	
Repair service - Small appliances	—	—	P	P	—	—	—	
Vehicle services - Major repair, bodywork	—	—	P(3)	P	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	P(3)	P	—	—	—	

Key to Zone Symbols

M-RP	Industrial Research Park	M-2M-CR	General Industry, Coastal-Related Industry
M-1	Light Industry	M-CR M-CD	Coastal-Related Industry Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.25.030.D (Development Plan approval required).
- (3) Limited to automobiles.

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	M-RP	M-1	M-2	M-CR	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	CUP	CUP	
Airstrip, temporary	—	—	CUP	—	
Cannabis - Distribution	S	S	S	—	35.42.075
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	P	P	MCUP	
Electrical substation - Major	—	P	P	—	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	
Marine terminal, onshore facility for petroleum transport	—	—	—	—	
Pier, dock	—	—	—	—	
Pipeline - Oil and gas	P	P	P	P	35.5
Public utility facility	CUP	CUP	CUP	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	MCUP	
Road, street, less than 20,000 sf total area (65)	P	P	P	P	
Road, street, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	—	
Telecommunications facility	S	S	S	S	35.44
Truck or freight terminal	—	P	P	—	
Utility service line with less than 5 connections(4)	—	—	—	—	
Utility service line with 5 or more connections (4)	—	—	—	—	
Vehicle dispatch facility	—	MCUP	MCUP	—	
Vehicle storage	—	P	P	—	
Wind energy systems	S	S	S	S	35.57

Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry	M-CR	Coastal-Related Industry

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.25.030.D \(Development Plan approval required\)](#).
- (3) Use is subject to the standards of the PU Zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) ~~Not allowed in the VC overlay.~~
- (65) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E	Allowed use, no permit required (Exempt)						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP	MCUP	MCUP			
Onsite wastewater treatment system, individual, conventional	E		E	E	E			
Onsite wastewater treatment system, individual, supplemental	E		E	E	E			
Pipeline - Water, reclaimed water, wastewater, Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	P	P	MCUP	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	P	P	P	MCUP	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Water system with 1 connection	E	P	E	E	E	P	E	
Water system with 2 to less than 5 connections	P	MCUP	P	P	P	MCUP	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	P	E	E	E	P	P	

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR M-2	Coastal-Related Industry General Industry
M-1	Light Industry	M-CR M-CD	Coastal-Related Industry Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.25.030.D](#) (Development Plan approval required).

35.25.040 - Industrial Zones Development Standards

- A. General standards.** New and existing development within the industrial zones shall be designed, constructed, and established in compliance with the requirements in Table 2-23 (Industrial Zones Development Standards) below, and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code. ~~These standards apply within the Coastal Zone and Inland area, except where noted.~~
- B. Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-23 - Industrial Zones Development Standards

Development Feature	Requirement by Zone	
	M-RP & MR-P (CZ) Industrial Research Park	M-1 Light Industry
Minimum lot size Area	<i>Minimum net area for lots proposed in new subdivisions.</i>	
	1 acre.	None.
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
	None allowed.	None allowed.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setbacks Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
	Front - Primary	80 ft from road centerline, and 50 ft from right-of-way; 20 ft from right-of-way of research park secondary interior street.
	Front - Secondary	50 ft from road centerline, and 20 ft from right-of-way.
	Side - Interior	Same as front.
Rear	10 ft.	10 ft.
10 ft; 50 ft abutting a residential zone.	10 ft; 50 ft abutting a residential zone.	
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>	
	35%.	50%.
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
	35 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards) .	
Parking	See Chapter 35.36 (Parking and Loading Standards) .	
Signs	See Chapter 35.38 (Sign Standards) .	

Table 2-23 - Industrial Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	M-2 General Industry	M-CR & MC-R (CZ) Coastal-Related Industry	M-CD (CZ) Coastal-Dependent Industry
Minimum lot size Area	<i>Minimum net area for lots proposed in new subdivisions.</i>		
	None.	None.	None.
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
	None allowed.	As determined by CUP for employee housing.	As determined by CUP for employee housing.
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front	50 ft from road centerline, and 20 ft from right-of-way.	50 ft from road centerline, and 20 ft from right-of-way.	50 ft from road centerline, and 20 ft from right-of-way.
Side - Corner	Same as front.	Same as front.	Same as front.
Side - Interior	10 ft.	10 ft.	10 ft.
Rear	10 ft; 50 ft abutting a residential zone.	10 ft; 50 ft abutting a residential zone.	10 ft; 50 ft abutting a residential zone.
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>		
	No maximum.	No maximum.	No maximum.
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
	45 ft.	45 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

35.25.050 - Industrial Zones Additional Standards

Proposed development and new land uses within the M-RP, M-1 and M-2 zones shall comply with the following standards, in addition to those in [Section 35.25.040 \(Industrial Zones Development Standards\)](#).

A. Performance standards - M-RP, M-1, and M-2 zones. The following performance standards apply to all existing and proposed development and land uses in the M-RP, M-1, and M-2 zones as noted.

1. Noise.

- a. M-RP zone.** The volume of sound, measured during calm air conditions, generated by or resulting from any use, other than motor vehicles, operated in any lot shall not exceed 50 decibels at any point along the boundary of or outside of the lot upon which the use is located.
- b. M-1 and M-2 zones.** The volume of sound measured outside during calm air conditions, generated by any use shall not exceed 75 dBL₁₀ at or beyond any point along the property line of the lot where the use is located. However, in no case shall the volume of sound exceed 65 dB Ldn at the location of any nearby noise sensitive uses, as defined in the Noise Element of the Comprehensive Plan.

2. Odors, fumes, gasses, liquids, heat, glare, radiation.

- a. M-1 zone.** No offensive odors or fumes, noxious gases, or liquids, heat, glare, or radiation generated by or resulting from any use on any lot, other than motor vehicles or lighting

fixtures, shall be detectable at any point along the property line of, or outside of the lot where the use is located.

- b. **M-2 zone.** Any generation of offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation, and all activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.

- 3. **Public health, safety and welfare - M-1, M-2 and M-RP zones.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property

- 4. **Smoke or dust - M-RP and M-1 zones.** No smoke or dust shall be generated on a site by or resulting from any use, except for that associated with heating buildings, and motor vehicles.

- 5. **Vibration.**

- a. **M-RP zone.** The ground vibration generated by any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which the use is located.

- b. **M-1 and M-2 zones.** Ground vibration inherently and recurrently generated by or resulting from any use on any lot, other than motor vehicles, shall not be perceptible without instruments at any point along the property line of, or outside of the lot where the use is located.

- B. **Enclosure of activities.**

- 1. **M-2 zone.** Open storage of equipment and materials shall be permitted only in areas screened from the view of surrounding lots.
- 2. **M-RP zone.** All activities, other than incidental loading and unloading, and other incidental handling, shall be conducted entirely within a completely enclosed building.

- C. **M-RP zone standards for convenience shopping and services.** Retail stores shops, or establishments supplying commodities or services intended to meet the day-to-day needs of industrial research park employees in the vicinity may be allowed provided the total floor area of employee-serving retail and employee personal services uses on a single site within the M-RP zone shall not exceed 20 percent of the total gross floor area on the site.

CHAPTER 35.26 - SPECIAL PURPOSE ZONES

Sections:

- 35.26.010 - Purpose
- 35.26.020 - Purposes of Special Purpose Zones
- 35.26.030 - Special Purpose Zones Allowable Land Uses
- 35.26.040 - Special Purpose Zones Development Standards
- 35.26.050 - MU Zone Additional Standards
- 35.26.060 - NTS Zone Additional Standards
- 35.26.070 - OT Zone Additional Standards
- 35.26.080 - PU Zone Additional Standards
- 35.26.090 - REC Zone Additional Standards
- 35.26.100 - ~~Reserved~~TC Zone Standards

35.26.010 - Purpose

This Chapter lists the land uses that may be allowed within the Special Purpose zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

35.26.020 - Purposes of Special Purpose Zones

The purposes of the individual Special Purpose zones and the manner in which they are applied are as follows.

- A. MU (Mixed Use) zone.** The MU zone is applied to areas that are suited for mixed-use development (i.e., residential, commercial and/or industrial uses) because of their location in relation to existing or planned land uses of adjacent areas and infrastructure improvements such as transportation corridors. The purpose and intent of the MU zone is to:
1. Create attractive and diverse areas that include a mix of housing, shopping, workplace and entertainment uses and nodes for transportation access that foster a variety of small, entrepreneurial, and flexible residential-based businesses, generate economic and social vitality, and create community gathering spaces, entertainment venues, and pedestrian friendly streetscapes.
 2. Provide flexibility and connectivity in the arrangement and location of residential, commercial and/or industrial development in order to create areas that are accessible, attractive and inviting to pedestrians.
 3. Establish development standards that allow residential, commercial and/or industrial activities to compatibly co-exist and provide a transition between existing, adjacent neighborhoods in order to avoid conflicts between incompatible uses.
 4. Plan for the development of sustainable communities that provide varied housing opportunities and multi-modal transportation capabilities.
- B. NTS (Naples Townsite) zone.** The NTS zone is established due to unique circumstances particular to the Naples Townsite and is applied to the Naples Townsite in recognition of the Official Map of Naples (hereinafter the "Official Map") adopted by the County on October 2, 1995, and the direction of Coastal Land Use Plan Policy 2-13 for land use at the Naples Townsite. This zone is intended to achieve a balance that provides for low density residential units, public access and recreation opportunities, preservation of the scenic and rural character of the Naples area, and conservation of open space and biological resources, compatible with the surrounding agricultural uses of the Gaviota Coast.
- C. OT (Old Town) zones.** The OT zones are applied to establish standards for development and guidelines for architectural continuity in areas with unique historic neighborhood characteristics. The intent is to protect and preserve neighborhood character and the architectural styles that have developed historically in these areas.

1. **OT-R (Old Town - Residential) zone.** The OT-R zone allows for one- and multi-family residential uses in areas of unique historic character, and establishes guidelines for architectural continuity, to preserve neighborhood character.
 2. **OT-R/LC (Old Town - Residential/Light Commercial) zone.** The OT-R/LC zone allows for residential and commercial uses, individually or combined, in areas that contain predominantly one-family dwellings, or that are in close proximity to one-family residential zones, to provide neighborhood-oriented goods and services, and to create a buffer area of low intensity commercial land uses combined with residential uses between areas of strictly residential and general commercial use. The intent is to maintain the existing mixture of residential and commercial uses, and to preserve the character and architectural styles of the neighborhood areas.
 3. **OT-R/GC (Old Town - Residential/General Commercial) zone.** The OT-R/GC zone allows for residential and commercial uses, individually or combined, especially in older urban areas where an "Old Town" atmosphere is to be maintained, and to provide for local business and commercial needs and services for the community, while maintaining a residential quality in the area. The intent is to maintain a mixture of residential and commercial uses, and to preserve the character and architectural style of the neighborhood areas.
- D. PU (Public Works Utilities and Private Services Facility) zone.** The PU zone is applied to areas appropriate for the siting of large scale public works, utilities and private service facilities, provided that the requirements of this zone do not apply to local agencies exempted by [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#). The intent is to provide adequate design requirements to ensure that these facilities are compatible with surrounding land uses.
- E. REC (Recreation) zone.** The REC zone is applied to provide public or private open space areas appropriate for various forms of outdoor recreation. The intent is to encourage outdoor recreational uses that will protect and enhance areas with the potential to accommodate both active and passive recreation because of their beauty and natural features. Proposed recreational uses should compliment and be appropriate to the area because of the natural features.
- ~~**F. TC (Transportation Corridor) zone.** The TC zone is applied to established and proposed transportation corridors, to regulate land uses within and adjacent to the corridors, to preserve and protect the corridors, and to provide uniform development standards.~~
- ~~1. Notwithstanding any provision of this Development Code, this zone applies local authority to transportation corridor-related matters of public health, safety and welfare, land use, and zoning, insofar as the exercise of this authority does not conflict with applicable general law. The further intent of this zone is to ensure that development within transportation corridors is consistent with the Coastal Land Use Plan and other elements of the Comprehensive Plan.~~
 - ~~2. County review of development within the TC zone recognizes that transportation facilities may cause adverse impacts on surrounding residents and properties, including, for example, noise, vibration, emissions, pollutants, run off, odors, visual appearance, detracting from natural scenic values, electrical interference, and potential for hazards and disasters, and that transportation facilities may also be adversely affected by incompatible uses nearby. This review is not intended to regulate or interfere with road or railway operations, but instead evaluates alternative routes for proposed corridors, and analyzes development within the TC zone to avoid or feasibly mitigate potentially significant, adverse environmental impacts.~~
 - ~~3. Major transportation corridors parallel the coastline, and are often located in close proximity to the shoreline. As such, the corridors can attract, or even constitute, the only feasible location for competing land uses such as pipelines, utility cables, bikeways and other non-motorized modes of transportation. Transportation corridors may also act as a potential barrier to recreational access to and along the coast, as well as to other land uses afforded high priority under the Coastal Act. It is the intent of this TC zone to accommodate these priority uses within the transportation corridor wherever feasible.~~

35.26.030 - Special Purpose Zones Allowable Land Uses

- A. General permit requirements.** Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) identify the uses of land allowed by this Development Code in each special purpose zone, and the planning permit required to establish each use, in compliance with [Section 35.20.030 \(Allowable Development and Planning Permit Requirements\)](#).
- B. Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) includes a section number, the referenced Section may affect whether the use requires a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit and/or may establish other requirements and standards applicable to the use.
- C. Development Plan approval required.** Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required as follows:
- 1. MU, NTS, PU, and REC zones.** Except as provided below in Subsection C.1.a (Final Development Plan not required for accessory dwelling units), the MU, NTS, PU, and REC zones, Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to any development, including grading.
 - a. Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit located on a lot zoned MU or NTS shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
 - 2. OT zones.**
 - a. OT-R/LC and OT-GC.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.
 - b. OT-R.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for all multi-family residential development, including grading.
 - c. Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt \(PA-OTO\) Overlay Zone\)](#), then the development plan requirements of [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt \(PA-OTO\) Overlay Zone\)](#) shall apply instead of Subsections 2.a. and 2.b., above.
 - d. Final Development Plan not required for accessory dwelling units.** The development of an accessory dwelling unit located on a lot zoned OT-R, OT-R/LC or OT-R/GC shall only require the issuance of an Exemption or Zoning Clearance in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), and does not require the approval of a Final Development Plan.
- D. Accessory uses and structures.** Each use allowed by Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for the Special Purpose Zones) may include accessory uses and structures that are customarily incidental to the use, provided that:
1. Within the MU zone, the assembly, compounding, manufacture or processing of products is allowed in compliance with [Section 35.26.050 - MU Zone Additional Standards](#).
 2. Within the REC zone, accessory structures and uses shall be limited to those required to support the recreational activities (e.g., parking areas, water and sanitary facilities, boat launching facilities, ranger stations and limited concession facilities).
 3. Within the NTS zone, accessory uses and structures shall be limited to those required to support the

principal permitted use and do not involve a commercial enterprise on the site.

- E. Design review required.** Prior to the approval of a planning permit for a structure, or an addition to or alteration of an existing structure, Design Review approval by the Board of Architectural Review is required in compliance with [Section 35.82.070 \(Design Review\)](#).
1. Prior to approving a project located on property zoned MU (Mixed Use) that includes a mix of residential with commercial or industrial uses, the Board of Architectural Review shall find that the design of the project:
 - a. Utilizes entries to interior courtyards, building entrances, and public spaces that encourage family and community activities.
 - b. Uses architectural styles in association with multifamily units that delineate the separation of units.
 - c. Ensures that residential units are interconnected with the streets and courtyards as part of a unified and defined sense of space.

~~**F. TC zone allowable land uses and permit requirements.** The uses allowed as principally permitted in zones abutting a site in the TC zone (i.e., those shown as "P" uses) are also allowed in the TC zone with Conditional Use Permit approval in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) in addition to the land uses listed in [Table 2-25 \(Allowed Land Uses and Permit Requirements for the Special Purpose Zones\)](#) as permitted or conditionally permitted within the TC zone.~~

Table 2-24 Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	—	P (3)	P	—	—	35.42.020
Agricultural processing - On-premise products	—	P (3)	—	—	—	
Animal keeping (except equestrian facilities- see RECREATION)	S	S (3)	S	S	S	35.42.060
Aquaculture	—	—	—	—	—	
Cannabis – Cultivation, nursery, and microbusiness	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	—	P (3)	E	—	—	
Grazing	—	E	—	—	—	
Greenhouse, 300 sf or less	—	—	P	—	—	35.42.140
Greenhouse, more than 300 sf	—	—	—	—	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	—	—	CUP	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	—	—	P (4)	P (4)	P (4)	35.82.160
Mining - Surface, 1,000 cubic yards or more	—	—	CUP	CUP	CUP	35.82.160
Oil & gas uses	—	—	—	—	—	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	—	—	—	—	—	
Business machine manufacturing and assembly	—	—	—	—	—	
Ceramic product manufacturing	—	—	—	—	—	
Cannabis – Manufacturing	S	—	—	S	S	35.42.075
Cannabis – Testing	—	—	—	—	—	
Cosmetic and pharmaceutical manufacturing	—	—	—	—	—	
Electronics assembly	—	—	—	—	—	
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	
Food and beverage product manufacturing	—	—	—	—	—	
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	
Handcraft industry, small scale manufacturing	P	—	—	—	—	
Laboratory - Medical, analytical, research and development	—	—	—	—	—	
Media production	P	—	—	—	—	
Merchandise manufacturing	P	—	—	—	—	
Precision machine shop	—	—	—	—	—	
Printing and publishing	P	—	—	—	—	
Recycling - Community recycling facility	—	—	—	—	—	
Recycling - Small collection center	—	—	—	—	—	
Recycling - Small collection center, non-profit	—	—	—	—	—	
Recycling - Specialized materials collection center	—	—	—	—	—	
Research and development	—	—	—	—	—	
Storage - Personal storage facility (mini-storage)	—	—	—	—	—	
Storage - Warehouse	—	—	—	—	—	
Wholesaling and distribution	—	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Shall not be allowed within easement areas designated as part of an Open Space and Habitat Management Plan in compliance with [Section 35.26.060](#).
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Boat club	—	—	—	—	—	
Campground	—	—	—	—	—	
Commercial entertainment - Indoor	CUP	—	—	—	—	
Community center	CUP	—	P	—	—	
Conference center	—	—	CUP	CUP	CUP	
Country club, swimming and tennis	—	—	CUP	CUP	CUP	
Equestrian facility - Public or commercial	—	MCUP(3)	CUP	CUP	CUP	
Fairgrounds	—	—	CUP	CUP	CUP	
Fitness/health club or facility	P(4)	—	—	—	P	
Fitness/health club or facility, accessory	P	—	—	—	—	
Golf course	—	—	CUP	CUP	CUP	
Historical park	—	—	—	—	—	
Library, museum	P	—	CUP	CUP	CUP	
Meeting facility, public or private	CUP	—	CUP	CUP	CUP	
Meeting facility, religious	CUP	—	CUP	CUP	CUP	
Park, playground - Public	P	P (5)	P	—	—	
Park, playground - Private	P	—	—	—	—	
Private residential recreation facility	P	—	P	P	P	
Recreational vehicle (RV) park	—	—	—	—	—	
School	CUP	—	CUP	CUP	CUP	
School - Business, professional, trade	P	—	CUP	CUP	P	
Shooting range	—	—	—	—	—	
Sports and outdoor recreation facilities	—	—	CUP	CUP	CUP	
Sports and outdoor recreation facilities, accessory	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc	P	—	—	—	—	
Theater - Indoor	P	—	—	—	—	
Trail for bicycles, hiking, or riding	P	—	—	—	—	
Trout farm	—	—	—	—	—	
Zoo	—	—	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) Only one such facility may be allowed within each project site area covered by an approved Final Development Plan and such facility may only be used by owners and residents of the project area for noncommercial purposes.
- (4) Must be conducted within a completely enclosed building.
- (5) Use restricted to public coastal access and recreational uses not associated with a commercial onsite operation, commercial lead-tours of the site, or any for-fee or other remuneration recreational activities, except as allowed as part of an equestrian facility, are expressly prohibited.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E		P		MCUP		CUP		S		—	
	Allowed use, no permit required (Exempt)		Permitted use, Land Use Permit required (2)		Minor Conditional Use Permit required		Conditional Use Permit required		Permit determined by Specific Use Regulations		Use Not Allowed	
	PERMIT REQUIRED BY ZONE						Specific Use Regulations					
LAND USE (1)	MU	NTS	OT-R	OT-R/LC	OT-R/GC							
	RESIDENTIAL USES											
Accessory dwelling unit	S (4)	S	S (4)	S (4)(5)	S (4)(5)	35.42.015						
Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030						
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030						
Caretaker/manager dwelling	P	—	—	—	—							
Dwelling, one-family	—	P (6)	P (6)	P (5)(6)	P (5)(6)							
Dwelling, two-family	—	—	P (5)	P (5)	P (5)							
Dwelling, multiple	P	—	P (5)	P (5)	P (5)							
Emergency shelter	—	—	—	—	—							
Farmworker dwelling unit	—	P	P	P	P	35.42.135						
Farmworker housing complex	—	P	P	—	—	35.42.135						
Guest house or artist studio	—	P	—	—	—	35.42.160						
Home occupation	P	P	P (5)	P (5)	P (5)	35.42.190						
Live/work unit	P	—	—	—	—	35.26.050						
Mixed use development, residential component	P	—	—	—	—	35.26.050						
Mobile home park	—	—	—	—	—	35.42.180						
Monastery	—	—	CUP	CUP	CUP							
Residential accessory use or structure	P	P	P (5)	P (5)	P (5)	35.42.020						
Residential project convenience facility	P	—	P (5)	—	—	35.42.220						
Single room occupancy facility (SRO)	—	—	—	P	P							
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090						
Transitional and supportive housing	S	S	S	S	S	35.42.090						

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) Not allowed in addition to an artist studio.
- (4) Accessory dwelling units restricted to lots that contain an existing or proposed one-family dwelling or multiple-family dwelling.
- (5) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-R/GC.
- (6) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
	PERMIT REQUIRED BY ZONE					Specific Use Regulations
LAND USE (1)	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RETAIL TRADE

Agricultural product sales, on-site production only	—	P	MCUP	—	—	35.42.050
Auto and vehicle sales and rental	—	—	—	—	P	
Bar, tavern	P (1)	—	—	—	P (1)	
Building and landscape materials sales - Outdoor	—	—	—	—	—	
Cannabis - Retail	S	—	—	S	S	35.42.075
Clothing store	P	—	—	P	P	
Convenience store	P	—	—	—	P	
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
General retail	P	—	—	—	P	
Grocery/food store	P	—	—	—	P	
Office supporting retail	P	—	—	—	P	
Plant nursery	P (2)	—	—	—	P	
Restaurant, café, coffee shop - Indoor and outdoor	P (1)	—	—	—	P (1)	
Restaurant, café, coffee shop - Accessory to recreation use	—	—	—	—	—	
Service station	—	—	—	—	P	
Visitor-serving commercial	—	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- (2) Must be conducted within a completely enclosed building.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	P	—	—	P	P	
Bank, financial services - Complete facility	—	—	—	—	P	
Business support services	P	—	—	—	P	
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
Medical services - Clinic	P	—	CUP	CUP	CUP	
Medical services - Doctor office	P	—	—	P	P	
Medical services - Extended care	P	—	CUP	CUP	CUP	
Medical services - Hospital	—	—	CUP	CUP	CUP	
Office - Accessory	P	—	—	P	P	
Office - Business/service	P	—	—	P	P	
Office - Executive headquarters	—	—	—	—	—	
Office - Professional/administrative	P	—	—	P	P	

SERVICES - GENERAL

Cemetery, mausoleum	—	—	CUP	CUP	CUP	
Charitable or philanthropic organization	P	—	CUP	CUP	CUP	
Large family day care home	P	—	P	P (3)	P (3)	35.42.090
Small family day care home	E	—	—	E	E	35.42.090
Day care center, Non-residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	P	—	—	—	—	35.42.090
Day care center, Residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Drive-through facility	—	—	CUP	CUP	CUP	35.42.130
Laundry and dry cleaning pick-up stores	P	—	—	—	—	
Lodging - Homestay	P	P	P	P	P	35.42.193
Lodging - Hostel	CUP	—	CUP	CUP	CUP	
Lodging - Hotel or motel	CUP	—	—	—	P	
Lodging - Short-term rental	—	—	—	P	P	35.42.245
Mortuary	—	—	—	—	—	35.42.120
Mortuary, accessory to cemetery	—	—	CUP	CUP	CUP	35.42.120
Music recording studio	MCUP	—	CUP	CUP	CUP	
Personal services	P	—	—	P (4)	P	
Personal services, employees only	P	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	P	—	—	—	P	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	P	
Repair service - Small appliances	P	—	—	—	P	
Vehicle services - Minor maintenance/repair	—	—	—	—	P	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (4) Limited to barber and beauty shops, and shoe sales and/or repair stores.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Agricultural product transportation facility	—	CUP	—	—	—	35.36.040.B.2
Airstrip, public	—	—	CUP	CUP	CUP	
Airstrip, private and temporary	—	—	CUP	CUP	CUP	
Airstrip, temporary	—	—	—	—	—	
Boat launching facility accessory to approved recreation use	—	—	—	—	—	
Cannabis – Distribution	—	—	—	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	—	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	—	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Major	—	—	—	—	—	
Electrical transmission line (4)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (5)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (5)	MCUP	MCUP	MCUP	MCUP	MCUP	
Freeways and related facilities	—	—	—	—	—	
Heliport	—	—	CUP	CUP	CUP	
Parking facility, conjunctive use	CUP	—	—	—	—	35.36.120
Parking facility, public or private	—	—	P	—	P	
Pier, dock	—	—	—	—	—	
Pipeline - Oil and gas	P	—	P	P	P	35.5
Public utility facility	CUP	—	CUP	CUP	CUP	
Public works or private service facility	—	—	MCUP	MCUP	MCUP	
Railroad	—	—	—	—	—	
Road, street, less than 20,000 sf total area (5)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (5)	P	MCUP	P	P	P	
Telecommunications facility	S	S	S	S	S	35.44
Transit station or terminal	—	—	—	—	—	
Truck and freight terminal - Temporary	—	—	—	—	—	
Truck and freight terminal - Permanent	—	—	—	—	—	
Utility service line with less than 5 connections (4)	—	P	—	—	—	
Utility service line with 5 or more connections (4)	—	MCUP	—	—	—	
Wind turbines and wind energy systems	S	S	S	S	S	35.57

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not applicable to facilities constructed by the County.

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP	MCUP	—	—	—	
Onsite wastewater treatment system, individual, conventional	E	E	—	—	—	
Onsite wastewater treatment system, individual, supplemental	E	E	—	—	—	
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	—	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	—	MCUP	P	P	P	
Reservoir, 50,000 sf or more total development	—	MCUP	MCUP	MCUP	MCUP	
Sewage treatment facilities - Central plant	—	—	—	—	—	
Wastewater treatment facility, less than 200 connections	—	CUP	CUP	CUP	CUP	
Water diversion project	—	MCUP	P	P	P	
Water extraction - Commercial	—	—	CUP	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	—	—	—	—	—	
Water system with 1 connection	—	P	E	E	E	
Water system with 2 to less than 5 connections	—	MCUP	P	P	P	
Water system with 5 or more connections	—	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	—	P	—	—	—	

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).

Table 2-25 Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use or Coastal Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	PU	REC	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	—	35.42.020
Agricultural processing - On-premise products	P	—	
Animal keeping (except equestrian facilities - see RECREATION below)	S	S	35.42.060
Aquaculture	—	—	35.42.070
Cannabis – Cultivation, nursery, and microbusiness	—	—	
Cultivated agriculture, orchard, vineyard	E	—	
Grazing	E	—	
Greenhouse, less than 300 sf	P	—	35.42.140
Greenhouse, 300 sf or more	P	—	35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(3)	P(43)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	—	S	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	—	—	
Business machine manufacturing and assembly	—	—	
Cannabis - Manufacturing	—	—	
Cannabis - Testing	—	—	
Ceramic product manufacturing	—	—	
Cosmetic and pharmaceutical manufacturing	—	—	
Food and beverage product manufacturing	—	—	
Furniture/fixtures manufacturing, cabinet shops	—	—	
Handcraft industry, small scale manufacturing	—	—	
Laboratory - Medical, analytical, research and development	—	—	
Media production	—	—	
Merchandise manufacturing	—	—	
Precision machine shop	—	—	
Printing and publishing	—	—	
Recycling - Community recycling facility	—	—	
Recycling - Small collection center	—	—	
Recycling - Small collection center, non-profit	—	—	
Recycling - Specialized materials collection center	—	—	
Research and development	—	—	
Storage - Warehouse, not used for wholesaling or distribution	—	—	
Wholesaling and distribution	—	—	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) Uses allowed as a “P” in abutting zones and in compliance with any applicable specific use regulations.
- (43) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Boat club	—	—	CUP	—	—	
Campground	—	—	P	P	—	
Commercial entertainment - Indoor	—	—	—	—	—	
Community center	—	—	—	—	—	
Conference center	CUP	CUP	CUP	CUP	CUP	
Country club, swimming and tennis club	CUP	CUP	CUP	CUP	CUP	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Fitness/health club or facility	—	—	—	—	—	
Fitness/health club or facility, accessory	—	—	—	—	—	
Golf course	CUP	CUP	P	P	CUP	
Historical park	—	—	CUP	—	—	35.42.180
Library, museum	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	P	P	—	
Park, playground - Private	—	—	—	—	—	
Private residential recreation facility	—	—	—	—	—	
Recreational vehicle (RV) park	—	—	P	P	—	
School	CUP	CUP	CUP	CUP	CUP	
School - Business, professional, or trade	CUP	CUP	CUP	CUP	CUP	
Shooting range	—	—	CUP	—	—	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities, accessory	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	—	—	
Theater - Indoor	—	—	—	—	—	
Trail for bicycles, hiking, or riding	—	—	P	P	P	
Trout farm	—	—	CUP	—	—	
Zoo	—	—	CUP	CUP	—	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	PU	REC	

RESIDENTIAL USES

Accessory dwelling unit	—	—	
Caretaker/manager dwelling	—	MCUP	
Dwelling, one-family	—	—	
Dwelling, two-family	—	—	
Dwelling, multiple	—	—	
Emergency shelter	—	—	
Farmworker dwelling unit	—	—	35.42.135
Farmworker housing complex	—	—	35.42.135
Home occupation	—	—	
Mobile home park	—	—	
Monastery	—	—	
Residential accessory use or structure	—	—	
Residential project convenience facility	—	—	
Single room occupancy facility (SRO)	—	—	
Special care home, 7 or more clients	—	—	35.42.090
Transitional and supportive housing	—	MCUP	35.42.090

RETAIL TRADE

Agricultural product sales, on-site production only	MCUP	—	35.42.050
Auto and vehicle sales and rental	—	—	
Bar, tavern	—	—	
Building and landscape materials sales - Outdoor	—	—	
Cannabis – Retail	—	—	
Clothing store	—	—	
Convenience store	—	—	
Convenience store, in mixed use project	—	—	
Drive-through facility	CUP	CUP	35.42.130
General retail	—	—	
Grocery/food store	—	—	
Office supporting retail	—	—	
Plant nursery	—	—	
Restaurant, café, coffee shop - Indoor and outdoor	—	—	
Restaurant, café, coffee shop - Accessory to recreation use	—	CUP	
Service station	—	—	
Visitor-serving commercial	—	—	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	—	—	—	—	—	
Bank, financial services - Complete facility	—	—	—	—	—	
Business support service	—	—	—	—	—	
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	
Medical services - Doctor office	—	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	CUP	
Office - Accessory	P	P	—	—	—	
Office - Business/service	—	—	—	—	—	
Office - Executive headquarters	—	—	—	—	—	
Office - Professional/administrative	—	—	—	—	—	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	—	—	P	P	—	35.42.090
Small family day care home	—	—	E	E	—	35.42.090
Day care center, Non-residential	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Day care center, Non-residential, accessory	—	—	—	—	—	
Day care center, Residential	—	—	MCUP	MCUP	—	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130
Lodging - Homestay	—	—	—	—	—	
Lodging - Hostel	—	—	CUP	—	CUP	
Lodging - Hotel or motel	—	—	—	—	—	
Lodging - Short-term rental	—	—	—	—	—	
Mortuary	—	CUP	—	CUP	CUP	35.42.120
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	CUP	35.42.120
Music recording studio	CUP	—	CUP	—	—	
Personal services	—	—	—	—	—	
Personal services, employees only	—	—	—	—	—	
Personal services in mixed use project	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Indoor	—	—	—	—	—	
Repair service - Equipment, appliances, etc. - Outdoor	—	—	—	—	—	
Repair service - Small appliances	—	—	—	—	—	
Vehicle services - Minor maintenance/repair	—	—	—	—	—	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	PU	REC	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	
Airstrip, private and temporary	CUP	CUP	
Airstrip, temporary	—		
Boat launching facility accessory to approved recreation use	—	P	
Cannabis – Distribution	—	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	
Electrical substation - Minor (43)	MCUP	MCUP	
Electrical substation - Major	P		
Electrical transmission line (54) (6)	CUP	CUP	
Flood control project, less than 20,000 sf total area (75)	P		
Flood control project, 20,000 sf or more total area (75)	MCUP	MCUP	
Freeways and related facilities	—		
Heliport	CUP	CUP	
Parking facility, conjunctive use	—		
Parking facility, public or private	—		
Pier, dock	—	P	
Pipeline - Oil and gas	P	P	35.5
Public utility facility	P	CUP	
Public works or private service facility	MCUP	MCUP	
Railroad	—		
Road, street, less than 20,000 sf total area (75)	P	P	
Road, street, 20,000 sf or more total area (75)	P	P	
Roadside rest area operated by a governmental agency	—		
Sea wall, revetment, groin, or other shoreline structure	—		
Telecommunications facility	S	S	35.44
Transit station or terminal	—		
Truck and freight terminal - Temporary	—		
Truck and freight terminal - Permanent	—		
Underground gas storage	P		
Utility service lines with less than 5 connections (54)	—		
Utility service lines with 5 or more connections (54)	—		
Vehicle inspection station, permanent, governmental	—		
Wind turbines and wind energy systems	S	S	35.57

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Uses allowed as a “P” in abutting zones and in compliance with any applicable specific use regulations.
- (43) Subject to standards of the PU zone.
- (54) Does not include lines outside the jurisdiction of the County.
- (6) Not allowed in the VC overlay.
- (75) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (86) May include park and ride facilities.

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

WATER SUPPLY & WASTEWATER FACILITIES

Onsite wastewater treatment system, individual, alternative	MCUP		MCUP			
Onsite wastewater treatment system, individual, conventional	E		E			
Onsite wastewater treatment system, individual, supplemental	E		E			
Pipeline - Water, reclaimed water, wastewater	P	P	P	P	P	
Reservoir, less than 20,000 sf total development	P	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	MCUP	P	MCUP	MCUP	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	MCUP	
Sewage treatment facilities - Central plant	P	P	—	—	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	P	MCUP	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	
Water supply, treatment, storage facilities - Central plant	P	P	—	—	—	
Water system with 1 connection	E	P	E	P	P	
Water system with 2 to less than 5 connections	P	MCUP	P	MCUP	MCUP	
Water system with 5 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	P	—	—	P	

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.26.030.C](#).
- (3) ~~Uses allowed as a "P" in abutting zones and in compliance with any applicable specific use regulations.~~

35.26.040 - Special Purpose Zones Development Standards

- A. General standards.** Development within the Special Purpose zones shall be designed, constructed and established in compliance with the requirements in Table 2-26 (Special Purpose Zones Development Standards) below, and all applicable standards in [Article 35.3](#) through [Article 35.7](#) of this Development Code.
- B. Community Plan overlay requirements.** [Section 35.28.210 \(Community Plan Overlays\)](#) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in [Section 35.28.210 \(Community Plan Overlays\)](#).

Table 2-26 - Special Purpose Zones Development Standards

Development Feature	Requirement by Zone		
	MU Mixed Use	NTS Naples Townsite	OT-R Old Town - Residential
Minimum lot size	<i>Minimum area for lots proposed in new subdivisions.</i>		
Area	None.	None.	None.
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	See Subsection 35.26.050 (MU Zone Additional Standards); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Section 35.26.060; plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units). The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.	See Subsection 35.26.070.A (Maximum lot size and density); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	40 ft from road centerline, and 10 ft from right-of-way.
Front - Secondary	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front.
Side	See Subsection 35.26.050 (MU Zone Additional Standards).	As determined by Final Development Plan.	10 ft.
Rear	See Subsection 35.26.050 (MU Zone Additional Standards). See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.	As determined by Final Development Plan.	10 ft.
Building separation	A minimum of 3 ft. is required if any separation is provided.	As determined by Final Development Plan.	10 ft between habitable buildings and any other building; none otherwise.
Site coverage	<i>Maximum percentage of site area covered by structures.</i>		
Maximum coverage	None.	As determined by Final Development Plan.	30% of net site area for residential structures.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft.	See Section 35.26.060.	25 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).	See Section 35.26.060 and Chapter 35.34 (Landscaping Standards).	See Chapter 35.34 (Landscaping Standards).
Parking	See Chapter 35.36 (Parking and Loading Standards) and for MU also see Subsection 35.26.050.		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-26 - Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone		
	OT-R/LC Old Town - Residential/ Light Commercial	OT-R/GC Old Town - Residential/ General Commercial	PU Public Works Utilities and Private Service Facilities
Minimum lot size Area	<i>Minimum area for lots proposed in new subdivisions.</i>		
	None.		
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
	See Subsection 35.26.070.A (Maximum lot size and density); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	See Subsection 35.26.070.A (Maximum lot size and density); plus one accessory dwelling unit per lot where allowed in compliance with Section 35.42.015 (Accessory Dwelling Units).	None allowed
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary	Residential structure - 40 ft from road centerline, and 10 ft from right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum 10 ft; 25 ft if abutting lot zoned OT-R; Lot within PA-OTO overlay - as required by Section 35.28.160 (PA-OTO overlay).	Residential structure - 40 ft from road centerline, and 10 ft from right-of-way; Non residential or mixed use structure - 10% of lot depth, maximum of 10 ft; 25 ft if abutting OT-R zone; see Section 35.28.160 (PA - OTO overlay) for additional requirements for a lot within the PA-OTO overlay.	50 ft from road centerline, and 20 ft from right-of-way.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front.		Same as primary front.
Side	Residential structure - 10 ft; Non-residential or mixed use structure - None.		10 ft.
Rear	Residential structure - 10 ft; Non-residential or mixed use structure - 10% of lot depth.		10 ft; 50 ft from a lot zoned residential.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.		None, except as required by Building Code.
	5 ft.		
Site coverage Maximum coverage	<i>Maximum percentage of net site area covered by structures.</i>		
	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage, or as required by Section 35.28.160 (PA - OTO overlay); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by Section 35.28.160 (PA - OTO overlay).	30% of net site area for residential structures; 55% of gross site area on a lot with less than 75 ft of frontage or as required by Section 35.28.160 (PA - OTO overlay); 50% of gross site area on a lot with 75 ft or more of frontage, or as required by 35.28.160 (PA - OTO overlay).	None.
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
	Residential structure - 25 ft;	Non-residential structure - 35 ft.	45 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards).		
Parking	See Chapter 35.36 (Parking and Loading Standards).		
Signs	See Chapter 35.38 (Sign Standards).		

Table 2-26 - Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	REC Recreation	
Minimum lot size	Area	<i>Minimum area for lots proposed in new subdivisions.</i> One acre.
Residential density	Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i> One caretaker dwelling.
Setbacks	Front – Primary	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i> 50 ft from road centerline, and 20 ft from right-of-way. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)
	Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. Lot within SC-MC overlay - as required by Section 35.28.175 (SC-MC Overlay Zone)
	Side	10 ft; 25 ft on a lot abutting a residential zone.
	Rear	10 ft; 25 ft on a lot abutting a residential zone.
		See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley.
	Building separation	None, except as required by Building Code.
Site coverage		<i>Maximum percentage of net site area covered by structures.</i>
	Maximum coverage	20%.
Height limit		<i>Maximum allowable height of structures. See Section 35.30.09 0(Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>
	Maximum height	25 ft.
Landscaping		See Chapter 35.34 (Landscaping Standards) .
Parking		See Chapter 35.36 (Parking and Loading Standards) .
Signs		See Chapter 35.38 (Sign Standards) .

35.26.050 - MU Zone Additional Standards

Proposed development and new land uses within the MU zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

- A. Maximum density requirements.** The maximum density for each development on a lot within the MU zone shall be determined on a case-by-case basis by the Commission as part of the review and approval of an application for a Preliminary or Final Development Plan. The Commission shall establish a maximum density based on its consideration of the development standards of the MU zone (landscaping, building coverage, etc.), and the purpose, design, and function of the project within the context of the surrounding neighborhood.
- B. Setback requirements.** Setbacks shall be determined on a case-by-case basis by the Commission as part of the review and approval of an application for a Preliminary or Final Development Plan in compliance with the following standards. The following setbacks may be increased or decreased by the Commission as necessary to provide adequate separation and open space both between land uses on the project site and on adjacent lots, and between land uses within the project site.
- 1. Lots other than interior lots.** The following apply to structures located on lots that are not defined as interior lots.
 - a. Front - Primary.** None required; however, if provided shall not exceed 10 feet.

- b. **Front - Secondary.** None required; however, if provided shall not exceed 10 feet.
 - c. **Side.**
 - (1) A side setback area having a minimum width of 10 feet shall be provided adjacent to a lot zoned residential as shown in Table 1-1 (Zones).
 - (2) If the project site does not abut a lot zoned residential as shown in Table 1-1 (Zones), then a side setback is not required; however, if provided, it shall not exceed a width of 10 feet.
 - d. **Rear.**
 - (1) A rear setback area having a minimum width of 25 feet shall be provided adjacent to a lot zoned residential as shown in Table 1-1 (Zones).
 - (2) If the project site does not abut a lot zoned residential as shown in Table 1-1 (Zones), then a rear setback is not required; however, if provided, it shall not exceed a width of 10 feet.
2. **Interior lots.** The following apply to structures located on lots that are defined as interior lots.
- a. A setback having a minimum width of 25 feet shall be provided adjacent to any lot line that abuts a lot zoned residential as shown in Table 1-1 (Zones).
 - b. A setback is not required adjacent to any lot line that abuts a lot that is not zoned residential as shown in Table 1-1 (Zones); however, if provided, it shall not exceed a width of 10 feet.
3. **Parking.**
- a. **Lots other than interior lots.** Parking on lots that are not defined as interior lots shall be located in compliance with the setbacks shown in Table 2-27 (Setbacks for Parking), below.

Table 2-27 Setbacks for Parking

Front - Primary	35 ft. from right-of-way
Front - Secondary	5 ft. from right-of-way
Side (1)	
Adjacent to existing parking area	None.
Adjacent to non-parking area	5 ft.
Rear (2)	
Adjacent to existing parking area	None.
Adjacent to non-parking area	5 ft.

Notes:

- (1) If the project site abuts a lot zoned residential as shown in Table 1-1 (Zones), a side setback area having a minimum width of 10 feet shall be provided.
 - (2) If the project site abuts a lot zoned residential as shown in Table 1-1 (Zones), a rear setback area having a minimum width of 25 feet shall be provided.
- b. **Interior lots.** Parking on lots that are defined as interior lots shall be located:
 - (1) Parking shall be located no closer than 25 feet to any lot line that abuts a lot zoned residential as shown in Table 1-1 (Zones).
 - (2) A setback from a lot line that abuts a lot that is not zoned residential as shown in Table 1-1 (Zones) is not required; however, if provided, it shall not exceed a width of 10 feet.
4. **Architectural encroachments.** Architectural features and signs may intrude into road rights-of-way in compliance with the following provided that an encroachment permit is first obtained from the County Public Works Department.
- a. Balconies, fire escapes, unenclosed porches, and shop front awnings may intrude a maximum of six feet into all right-of-ways and setback areas.

- b. Awnings shall be a minimum of eight feet high above the sidewalk. Above the ground floor, bay windows, chimneys, cantilevered rooms, and eaves may intrude a maximum of three feet into right-of-ways and all setback areas.

C. Open space and recreation area requirements for projects containing only residential uses.

1. Open space/yard area.

- a. **Common open space.** A usable common open space shall be provided. Common open space may include recreational facilities such as picnic areas, swimming pools, tennis courts, etc., but shall not include laundry facilities or other non-recreational uses.
- b. **Private open space.** A minimum of five percent of the gross floor area of a dwelling unit shall be provided for that dwelling unit.
 - (1) Each private open space shall have a minimum six-foot dimension.
 - (2) For residences without a ground-level component, usable open space may be provided above-ground.

- 2. **Recreation.** Playgrounds and other recreational areas shall be located to ensure the safety of the residents of the development.

D. Uses allowed with a Minor Conditional Use Permit or Conditional Use Permit. A use allowed by Table 2-24 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) in the MU zone with a Conditional Use Permit or Minor Conditional Use Permit that is proposed as part of a mixed use project shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics adversely affect other land uses within or adjoining the development, or create traffic congestion or hazards to vehicular or pedestrian traffic.

E. Development standards. In addition to the development standards listed in Table 2-26 (Special Purpose Zone Development Standards), above, and elsewhere in [Chapter 35.26 \(Special Purpose Zones\)](#), proposed development within the MU zone shall comply with the following development standards.

- 1. **Allowed uses and compatibility.** Any use allowed in the MU zone may be conducted on the project site in combination with other allowed uses. At the time of Development Plan approval the Commission shall include conditions of approval that address, at a minimum, the following to ensure that nonresidential uses are compatible with any residential use located in the vicinity, including, for live/work units, the residential component of the live/work unit.
 - a. Hours of operation, including deliveries.
 - b. Odor.
 - c. Noise.
 - d. Traffic circulation and generation.
 - e. Use of hazardous materials.
 - f. Lighting.
- 2. **Minimum lot width for residential use.** Development that includes dwelling units shall be located on a lot with a minimum net lot width of 50 feet.
- 3. **Limitations on bedrooms, floor area and location of dwelling units for mixed-use projects containing dwelling units.**
 - a. Except for mixed-use projects that qualify as a live/work unit development, the residential component of a mixed-use project shall not exceed two bedrooms per 900 square feet of gross floor area of commercial development on the same lot.
 - b. **Lots that abut a road having a roadway classification of P2 or 2 Lane Expressway.** The

following standards apply to the residential component of a mixed-use project on lots that abut a road having a roadway classification of P2 or 2 Lane Expressway on the circulation map for a Community Plan area:

- (1) Dwelling units may be allowed on the ground floor of a building only when:
 - (a) The facade of the portion of a building containing the dwelling units does not face a road having a roadway classification of P2 or 2 Lane Expressway.
 - (b) The gross floor area devoted to residential uses does not exceed 50 percent of the total gross floor area of the ground floors of each building on the lot.
 - (2) Except as allowed in compliance with Subsection E.1.b(2)(a), below, dwelling unit access from a building façade that faces a road having a roadway classification of P2 or 2 Lane Expressway is not allowed.
 - (a) Dwelling unit access from a building facade that faces a road having a roadway classification of P2 or 2 Lane Expressway is allowed where the access is to the residential portion of a live/work unit and the access is located within the interior of the ground floor nonresidential area.
4. **Location of commercial and industrial uses.** Commercial and industrial uses are allowed on all floors of buildings.
 5. **Pedestrian oriented area.** Portions of a project site devoted to nonresidential uses shall create a pedestrian oriented area.
 6. **Storage.** Areas for trash or outdoor storage shall be:
 - a. Enclosed and screened to conceal all trash or stored material from public view.
 - b. Located to eliminate any negative impacts resulting from sound, visual, safety or odor to the residential portion of the development.
 - c. Designed to look pleasing and contribute to the overall ambience of the area.
 - d. Constructed in compliance with Section 35.30.170 (Solid Waste and Recycling Storage Facilities).
 7. **Utilities.** Utilities shall be located so as to not be visible from the public rights-of-way if feasible. Mechanical equipment, including solar energy systems, should not be visible from the street if feasible.
 8. **Additional development standards for live/work units.** The following development standards apply to live/work units:
 - a. **Application requirements.** In addition to the requirements of [Section 35.80.030 \(Application Preparation and Filing\)](#), an application for a project that includes a live/work unit(s) shall include floor plans that clearly delineate those areas that are devoted to a residential use and those areas that are devoted to a nonresidential use.
 - b. **Allowed uses.** Any nonresidential use allowed in the MU zone may be conducted on the premises of the live/work unit.
 - c. **Residential area requirements.**
 - (1) The residential portion shall include cooking space and sanitary facilities that satisfy the provisions of other applicable codes so that the unit may be legally occupied as a dwelling unit.
 - (2) The residential portion of the unit shall not occupy more than 50 percent of the gross floor area of the unit. However, in no case shall there be less than 120 square feet of living area exclusive of kitchen, bath, closets and hallways in any live/work unit.

- (a) For the purpose of calculating this 120-square foot requirement, the living room, dining room, family room, sleeping area(s), or other area designated for a similar use of a residential nature shall be deemed as living area.
- (b) All other habitable rooms except kitchens shall have a minimum floor area of 70 square feet.

d. Nonresidential area requirements.

- (1) There shall be adequate working space reserved for and regularly used by resident owner or employee.
- (2) The nonresidential portion of the unit shall be in compliance with commercial building standards.
- (3) There shall be at least one public entrance that is directly accessible to the nonresidential area, and a visitor utilizing this entrance shall not be required to pass through any residential floor area in order to enter the nonresidential area of the unit.
- (4) The nonresidential activity shall be conducted in compliance with a valid business license associated with the premises.

e. Location of residential and nonresidential areas and separation of uses.

- (1) The nonresidential portion of the unit shall be located on the ground floor and the residential portion shall be located on the second floor. An entry to the residential portion may be located within the interior of the ground floor nonresidential area.
- (2) The residential and non-residential portions of the unit shall be subject to all applicable separation standards as required by the Building Code.

f. Limitation on employees. Employees shall be limited to occupants of the residential portion of the units plus up to three persons not residing in the residential portion.

g. Usable open space requirement. A minimum of 75 square feet of usable open space shall be provided for each live/work unit.

- (1) For residences without a ground-level component, usable open space may be provided above-ground.

h. Design criteria. Projects including live/work units shall be in compliance with the following design criteria. Prior to approving a project the Board of Architectural Review shall find that the project is in compliance with these criteria.

- (1) The exterior of a new building containing primarily live/work units has a commercial appearance including the use of nonresidential building styles or other techniques.
- (2) The layout of the nonresidential area within the unit provides a functional open area for working activities.
- (3) The floor and site plan for the project includes adequate provision for the delivery of items required for the type of businesses anticipated in the project. This may include:
 - (a) Loading areas located near elevators and/or stairs.
 - (b) Service elevators designed to carry and move oversized items.
 - (c) Stairwells that are wide and/or straight enough to deliver wide items.
 - (d) Wide corridors that facilitate the movement of oversized item.

9. Additional development standards for mixed-use development with commercial and residential uses. The following development standards shall apply to mixed-use development with commercial and residential uses:

- a. **Scale and Design.** The scale and design of the mixed-use development shall comply with the following standards:
 - (1) Maximize compatibility between the mix of uses and with surrounding development.
 - (2) Enhance the character and function of the adjacent area.
 - (3) Avoid light, noise, odor, and/or air pollution effects on residential uses.
 - (4) Limit signage appropriately to achieve attractive designs for both residents of dwelling units and patrons of commercial businesses.
 - (5) Incorporate plaza or courtyard materials that create a community space through the use of color and layering as patterns in the landscape and hardscape.
- 10. **Additional development standards for industrial uses.** The following development standards apply to industrial uses:
 - a. **Allowed use.** Industrial uses allowed in the MU zone in compliance with Table 2-24 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) shall be allowed in a live/work unit(s).
 - b. **Floor area limit.** The gross floor area devoted to the industrial use within a live/work unit shall not exceed 200 percent of the gross floor area devoted to the residential use within the same unit.

35.26.060 - NTS Zone Additional Standards

Development within the NTS zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

- A. **Design Review required.** Any structure exceeding 500 square feet of gross floor area, and any addition to an existing structure where the addition exceeds 500 square feet of gross floor area or any addition to an existing structure that results in a structure exceeding 500 square feet of gross floor area shall require Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
- B. **Minimum lot Size.**
 - 1. Newly created lots and reconfiguration of existing lots shall conform to the approved Development Plan.
 - 2. No minimum lot size is required; however, structures and site improvements shall be confined to development envelopes and the remaining area of each lot outside of the development envelope shall be restricted to agriculture or open space and protected by permanent easement.
 - 3. Development envelope, as used herein means and includes the contiguous portion of a lot on which is located all structures and site improvements as shown and designated on the Development Plan.
- C. **Setbacks.** There are no standard setback requirements. Setbacks shall be designated on the approved Development Plan in order to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the Naples Townsite zone.
- D. **Siting of structures.** The siting of structures shown on the Development Plan shall be based on the following factors: privacy, light and air, solar exposure, building configuration, aesthetics and preservation of public views.
- E. **Distance required between structures and designated trails.** All structures shall be setback from public trails in compliance with the standards set forth on the adopted Santa Barbara County Parks Recreation and Trails Map (PRT) in effect at the time of approval of the Development Plan (Preliminary or Final). In the absence of an adopted standard, a minimum setback of 35 feet shall be required.

F. Height limit.

1. The height limit for structures is 25 feet except as provided below.
 - a. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 35 feet in height where the excess height is not prohibited by [Section 35.28.200 \(View Corridor Overlay\)](#). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
 - b. Subsection F.1.a., above, shall supersede the height limit exception provided in Section 35.30.090.D.1.
2. Development shall be subject to the Ridgeline and Hillside Development Guidelines if applicable in compliance with [Section 35.62.040](#).

G. Open Space and Habitat Management Plan. All areas proposed for open space and resource protection shall be designated as part of the approved Development Plan, along with the mechanism by which the areas proposed for open space and resource protection will be preserved (e.g., fee dedication, easement, etc.). Such areas shall be designated in consideration of resource protection policies and the balancing of land use objectives stipulated in [Section 35.26.020.B](#).

1. A preliminary Open Space and Habitat Management Plan shall be submitted in conjunction with an application to rezone to the Naples Townsite zone.
2. Prior to issuance of ~~Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits)~~ or Land Use Permits in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for any aspect of an approved Final Development Plan, a final Open Space and Habitat Management Plan shall be submitted for review and approval by the Department.
3. The Open Space and Habitat Management Plan shall provide for the conservation, restoration and enhancement of habitat, and preservation of all designated open space.
4. The Open Space and Habitat Management Plan shall be prepared by a qualified biologist in collaboration with appropriate specialists, as approved by the Department, and shall include chapters or components that incorporate, as applicable, the following items:
 - a. A Habitat Management Program that protects special-status plants and wildlife, the integrity of wildlife foraging and movement habitat, and the existing quality of habitats in the project area.
 - b. A Fuel Management Program that balances public safety with resource protection by maintaining adequate grassland buffers between structures and scrub and oak woodland habitats.
 - c. A Resident and Public Use Management and Resource Education Program that regulates resident and public access, protects biological resources in designated open space areas and educates property owners on resource management.
 - d. A Habitat Continuity Program that preserves and enhances habitat so that wildlife movement through designated open space areas may be allowed to continue with a minimum of disruption.
 - e. A Non-Native Wildlife Control Program that controls brown-headed cowbirds and European starlings which are attracted, in particular, to livestock areas.
 - f. A Monarch Butterfly Roost Protection Program that safeguards monarch butterflies from development activities and subsequent use of open spaces, including the bluffs near the ocean.
 - g. A Construction Management Program that details best management practices to minimize potential soil erosion during construction and demonstrates that surface runoff from

hardscapes and access roads will not increase the potential for soil erosion.

- h. An Agricultural Management Program that prohibits row-crop agriculture (e.g., orchards, vineyards, etc.) within all designated open space areas containing grassland, coastal scrub, chaparral, oak woodland, wetland or eucalyptus woodland habitats.
5. The topical areas and specificity of the Open Space and Habitat Management Plan shall be appropriate to the environmental setting of the property and the final content shall be determined in connection with the environmental review process for the project.
6. The Open Space and Habitat Management Plan shall identify the location of easements on all project parcels where lands are to be protected and/or enhanced. All allowable and unallowable uses and activities within each easement shall be described in the Open Space and Habitat Management Plan.
7. The Open Space and Habitat Management Plan shall identify the specific third party conservation organization (e.g., Land Trust or other organization), among whose purposes it is to conserve open space and/or natural resources of the conservation easement, provided that:
 - a. The organization is a bona fide conservation organization; and
 - b. Provisions for proper reverter or retransfer to another bone fide conservation organization are made in the event that organization becomes unwilling or unable to continue carrying out its functions.

In the event a third party conservation organization is unavailable to accept the easement and implement the Open Space and Habitat Management Plan, the County shall identify an alternative appropriate entity. If the replacement organization cannot demonstrate expertise in natural resource management and conservation, such organization, as a condition of its selection, shall employ a qualified biologist, as approved by the Department, to monitor implementation of the Open Space and Habitat Management Plan.

8. Through implementation of the Open Space and Habitat Management Plan, the third party conservation organization shall assure that the open space will be protected in perpetuity from all forms of development, except as shown on the approved Development Plan.

H. Visual development standards.

1. Visual analysis.

- a. No permits for development shall be issued without project-specific visual analysis that uses story poles, photo-simulation or other comparable visualization techniques, to analyze the height, scale and character of proposed structures as seen from prominent public viewing areas.
- b. The visual analysis shall be performed and submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone and shall be used to demonstrate consistency with relevant visual resource policies of the Comprehensive Plan ~~including the Coastal Land Use Plan.~~
- c. Prominent public viewing areas, as used in this Subsection, means and includes vantage points readily accessible to the general public which provide the greatest opportunity for viewing natural features of the project area taking into account physical topography, foreground obstructions, proximity to the project site, viewing duration, number of viewers and similar considerations that limit visibility of the proposed development. Areas that are determined to constitute prominent public viewing areas shall be graphically depicted in the visual analyses.

2. Lighting.

- a. All lighting shall be energy conserving and follow night sky lighting practices, generally conforming to the standards and recommendations of the International Dark-Sky Association and the Illuminating Engineering Society of North America. All exterior lighting installations shall be:
 - (1) Designed and installed to be fully shielded (full cutoff) such that the lamp itself or the lamp image is not directly visible beyond the area of illumination.
 - (2) Located and designed so as to avoid creating off-site glare, light spillover onto adjacent properties, or upward illumination into the night sky.
 - (3) Of low intensity and low glare design.
 - (4) Utilize motion, light and time sensors that minimize the duration of use.
- b. All light poles, fixtures, and hoods shall be constructed or coated with a non-reflective exterior finish.
- c. No uplighting of landscape or structures shall be allowed and exterior lighting of driveways, roads and parking areas shall be the minimum necessary to provide safety and security.
- d. A schematic lighting concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
- f. Prior to the issuance of ~~Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits)~~ or Land Use Permits in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for any aspect of an approved Final Development Plan, final lighting details shall be submitted for review and approval by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#).

3. Roads, driveways, and parking areas.

- a. All roads, driveways and parking areas (private as well as public) shall be sited so as to avoid, where feasible, their visibility from public viewing areas (e.g., public roads, trails and the ocean) including, where possible, the consolidation and sharing of common access.
- b. If paved surfaces cannot feasibly be located outside the public viewshed due to geologic, topographic or biological constraints, only surface materials that are designed to be compatible and not detract from the rural character of the Gaviota Coast shall be allowed.
- c. Such design techniques should include use of stamped and colorized concrete and paving with locally-occurring earth-tone colors.
- d. A schematic hardscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
- e. Prior to the issuance of ~~Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits)~~ or Land Use Permits in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for any aspect of an approved Final Development Plan, surface materials for all paved surfaces shall be submitted for review and approval by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#).

4. Undergrounding of utility services. All new utility service shall be underground.~~**5. Public access stairways.** Any public access stairway(s) constructed at the Naples bluff shall be designed with materials that are durable, promote safety, and minimize the visual effect on the natural setting.~~

- ~~a. Concept drawings of all public trail and bluff access improvements shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite~~

zone:

- ~~b. Prior to issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits) for any aspect of an approved Final Development Plan, final design details of all public trails and bluff access stairway(s) (if any) shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).~~

65. Preservation of existing features. Existing features that serve to blend, obscure or otherwise substantially diminish visibility of proposed structures, as well as new features which serve as mitigation to accomplish the same outcome, shall be maintained in a continuous state of good condition and repair. Existing vegetation that serves to screen the proposed development shall not be altered in any manner that would increase the visibility of the development except where:

- a. Such alteration is specifically allowed by the approved Development Plan.
- b. Such alteration is performed under the direction of a licensed arborist
- c. Such alteration, if it involves tree removal, is determined necessary and appropriate by a licensed arborist for reasons of disease, death or similar circumstance.

In addition, any trees or significant vegetation (whether existing at time of development or added as a condition of approval) which are integral to demonstrating consistency with relevant visual resource policies of the Comprehensive Plan ~~including the Coastal Land Use Plan~~, and which subsequently die, shall be replaced with trees and vegetation of a comparable size, species and density that shall achieve the same or comparable visual effect within a reasonable period of time as determined by the Board of Architectural Review.

76. Preservation and maintenance of trees and vegetation on adjacent property.

- a. Preservation and maintenance of trees and vegetation on adjacent property, owned by parties other than the applicant, that serve to blend, obscure or substantially diminish visibility of proposed structures on the applicant's property shall be the applicant's responsibility. Alternatively, the applicant shall create a comparable hedgerow on its property with trees and vegetation of a comparable size, species and density that shall, within five years, achieve the same or comparable visual effect that is presently served by trees and vegetation on adjacent property.
- b. ~~Prior to issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits)~~ for any aspect of an approved Final Development Plan, a Vegetative Hedgerow Plan shall be submitted for review and approval by the Department. The Vegetative Hedgerow Plan shall:
 - (1) Identify off-site trees and vegetation that are integral to the project.
 - (2) Specify the mechanism and arrangements by which to assure that off-site trees and vegetation are maintained in a continuous state of good condition and repair, in compliance with the standards set forth in Subsection H.6. above.
 - (3) Provide a planting plan with appropriate security to create a comparable hedgerow on the site the proposed development.

87. Fencing.

- a. **Goals.** Exterior fencing shall affirmatively further the following overarching goals:
 - (1) Reflect the rural character of the Gaviota Coast.
 - (2) Be permeable and not impair public views nor the passage of light, air or native

wildlife.

- (3) Avoid the appearance of property fragmentation (e.g., use of rocks or similar low-profile materials to demark property lines).

b. Schematic fencing concept. A schematic fencing concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone. This schematic fencing concept shall affirmatively further the goals listed in Subsection H.8.a., above, and shall:

- (1) Depict typical fencing details for individual lots and development envelopes.
- (2) Identify all of the following:
 - (a) Perimeter and common area fencing property line delineation.
 - (b) Separation between private and public open space easement areas.
 - (c) Separation for agricultural areas, and where applicable, at or within development envelopes.

c. Fencing plan standards. The fencing plan shall be in compliance with the following standards:

- (1) Fencing outside of the development envelope of individual lots shall be constructed with appropriate materials such as unpainted split rail, low stone wall or wire consistent with the rural and agrarian character of the land.
- (2) Where fencing would separate an agricultural area from an Open Space and Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious of wildlife; barb wire fences are expressly prohibited.
- (3) Fencing within the development envelope of individual lots may employ solid materials, consistent and complimentary with the architectural character of the building design, not to exceed a maximum height of six feet. Fencing at or within the development envelope may be designed to restrict wildlife passage.

98. Roadways and drainage.

- a. Roads and driveways shall be kept to a minimum width and length, and shared where possible.
- b. Roads and driveways shall utilize permeable features (e.g., natural inlaid rock-lined gutters, etc.) to improve natural filtration or otherwise direct sheet flows to bioswales, subject to County Fire Department access roadway requirements. Private lot parking areas or auto courts are permitted to be constructed of impermeable surfaces, subject to the limitations in this Section.
- c. All paved surfaces shall be designed so as to divert surface water to bioswales, French drains or other appropriate drainage devices to avoid, where feasible, surface run off into creeks and the ocean.
- d. Grading for roads and driveways shall be minimized.

~~10. Sea walls and other bluff protective devices, and public and private beach access stairways.~~

- ~~a. Development on blufftop parcels within the Naples Townsite zone shall be conditioned during permit approval so that no protective device(s) that would alter the natural landforms of bluffs or cliffs shall be constructed to protect structures in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or~~

~~a Land Use Permit in compliance with Section 35.82.110 for any aspect of an approved Final Development Plan, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this subsection.~~

~~b. Any public access stairways to the beach shall be engineered and designed with best management practices erosion control measures.~~

~~e. Private access stairways to the beach are prohibited. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 for any aspect of an approved Final Development Plan, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this subsection.~~

119. Landscaping.

a. Landscaping shall be utilized to visually integrate development with the rural character of the Gaviota Coast. A schematic landscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone which:

- (1) Depicts typical planting details for individual lots and development envelopes.
- (2) Identifies all perimeter and common area landscaping.

b. Prior to issuance of a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with~~ [Section 35.82.110](#) for any aspect of an approved Final Development Plan, landscape and irrigation plans shall be prepared by a botanist, licensed landscape contractor or California registered landscape architect and shall be submitted for review and approval by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#). The landscape and irrigation plans shall incorporate at a minimum the following features:

- (1) Water conserving irrigation and drought-tolerant native species, consistent with existing vegetation located along the Gaviota Coast.
- (2) Selection of vegetation on the basis of screening capabilities, non-invasive character, rate of growth, and compatibility with existing on-site vegetation (if any).
- (3) The type, size and density of new plant material shall be sufficient, within five years, to reasonably screen or otherwise blend the development into its natural setting.
- (4) Retention of existing vegetation for their screening and visual character.
- (5) Newly planted non-native landscaping shall not be visually obtrusive to public views (e.g., large, non-native palm trees, etc.) or detract from the rural character of the Gaviota coast.
- (6) Implementation of an Integrated Pest Management Plan that avoids or minimizes use of biodegradable pesticides and herbicides.

35.26.070 - OT Zone Additional Standards

Proposed development and new land uses within the OT zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

- A. **Maximum lot size and density.** The number of dwelling units on a lot containing only residential uses shall not exceed the maximum specified by Table 2-27 (OT Zone Maximum Density) for each OT zoning designation shown in Table 2-27 (OT Zone Maximum Density). (Note: the Zoning Map symbol shown in Table 2-27 (OT Zone Maximum Density) is appended to the OT-R/LC, OT-GC, or OT-R symbol on the Zoning Map, as applicable.)
- B. **Design Review required.** Prior to the issuance of any Land Use Permit for a structure, all plans for new or altered structures shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) only if required in compliance with [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt Overlay\)](#).

Table 2-27 - OT Zone Maximum Density

Zoning Map Symbol	Dwelling Units per Gross Acre	Gross Land Area per Dwelling Unit
-0.1	0.1	10 acres
-0.2	0.2	5 acres
-0.33	0.33	3 acres
-0.5	0.5	2 acres
-1	1	1 acre
-1.5	1.5	29,040 sf
-1.8	1.8	24,200 sf
-2	2	21,780 sf
-2.5	2.5	17,424 sf
-3	3	14,520 sf
-3.3	3.3	13,200 sf
-3.5	3.5	12,445 sf
-4	4	10,890 sf
-4.6	4.6	9,469 sf
-5	5	8,712 sf
-6	6	7,260 sf
-7	7	6,228 sf
-8	8	5,445sf
-9	9	4,840 sf
-10	10	4,356 sf
-12	12	3,630 sf
-12.3	12.3	3,541 sf
-14	14	3,111 sf
-16	16	2,722 sf
-20	20	2,178 sf
-25	25	1,742 sf
-30	30	1,452 sf

- C. **Public improvement requirements.** The Road Division of the Public Works Department shall review all plans for new or altered structures for frontage improvement conditions prior to the issuance of a Land Use Permit. As a condition of Land Use Permit issuance, the owner or their agent shall dedicate rights-of-way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the property that are determined by the Department of Public Works to be reasonably related to the proposed use of the property. See [Section 35.28.160 \(Pedestrian Area - Old Town Orcutt Overlay\)](#) for additional vehicle access standards for lots within the PA-OTO overlay.
- D. **Noise standards.** The volume of sound generated by any use on property within the OT-R/GC and OT-R/LC zones shall not exceed 65 dB Ldn at any point beyond the property boundary upon which the use is

located.

- E. Open space.** The following standards apply within the OT-R zone.
- 1. Minimum area.** A minimum of 40 percent of the net site area shall be reserved for the life of the project as common open space.
 - 2. Title to open space area.** Title to the common open space shall be held by a non-profit association of homeowners or by any other individual or entity on reasonable terms and conditions as the Board may prescribe, which may include conveying to the County the rights to develop the property with anything except open space or noncommercial recreation.
- F. Condominiums, stock cooperatives, community apartments.** The review authority may apply the following standards as conditions of approval of a condominium, stock cooperative, or community apartment.
- 1. Laundry facilities.**
 - a. General requirement.** Each dwelling unit shall be provided separate laundry facilities. Sufficient space, utility connections, and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking, shall be shown on the Final Development Plan.
 - b. Affordable housing project.** For affordable housing overlay projects or housing developments that provide a minimum of 50 percent of the housing units at the required affordable income levels, the laundry facilities may be provided in a common area within the development. A minimum of one standard capacity size washer and dryer shall be provided for every four dwelling units contained within the same structure.
 - 2. Open space.**
 - a. Common.** Common open space and recreation areas shall be designed to provide access for the handicapped.
 - b. Private.** Each dwelling unit shall include a private outdoor patio area in the form of ground level patios or upper story balconies. Private patios shall not be less than 20 percent of the gross floor area of the dwelling unit. If the required patio area is less than 200 square feet, then this requirement shall be satisfied by providing only one patio or balcony for the dwelling unit.
 - 3. Storage space.** Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable, and easily accessible storage space on site in addition to the storage space of closets, cabinets, and pantry contained within the dwelling units.
 - 4. Utility metering.** Individual metering for utilities shall be provided for each unit, unless the metering would be in conflict with an innovative energy efficient or resource conserving utility system designed for the project.

35.26.080 - PU Zone Additional Standards

Proposed development and new land uses within the PU zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

- A. Noise.** The volume of sound, measured during calm air conditions, inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not exceed 70 decibels at any point along the boundary of or outside of the lot upon which such use is located.
- B. Odors, fumes, gasses, liquids, heat, glare, radiation.** No offensive odors or fumes, noxious gases or liquids, heat, glare, or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of

the lot upon which such use is located.

- C. Outdoor storage.** Open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots.
- D. Public health, safety, and welfare.** All activities shall be conducted in such a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- E. Smoke or dust.** Except for the heating of buildings there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles located upon the lot.
- F. Vibration.** The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.
- ~~**G. Underground Gas Storage in the Coastal Zone.** The provisions of this section shall apply to the fixed surface installation of facilities designed, constructed, installed and maintained primarily for the injection, storage and withdrawal of natural gas in and from subsurface strata at the La Goleta gas storage reservoir site (APN 071 210 001), including the drilling of new wells and the reconditioning of existing wells, structures, facilities and operations incidental thereto.~~
- ~~1. The provisions of Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities) shall not apply to underground gas storage or related facilities including compressor stations, gas wells and pipelines.~~
 - ~~2. The landscaping requirements in Subsection 35.34.090.C (Special Purpose Zones Landscaping Requirements, Public Works, Utilities, and Private Service Facilities zone) shall not apply to underground gas storage or related facilities.~~
 - ~~3. Derricks and major items of equipment shall be soundproofed in accordance with applicable safety regulations and standards.~~
 - ~~4. Fixed equipment shall be fenced and screened and the site landscaped in a manner approved by the Commission.~~
 - ~~5. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.~~
 - ~~6. Reasonable fire fighting equipment shall be maintained on the premises at all times during drilling operations.~~
 - ~~7. Except in an emergency, no materials, equipment, tools or pipe shall be delivered to or removed from the site between the hours of 7 p.m. and 7 a.m. of the following day.~~
 - ~~8. All roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.~~
 - ~~9. Within 120 days after the drilling of each well has been completed, the derrick and all other drilling equipment shall be removed from the site.~~
 - ~~10. All lights shall be shielded so as not to directly shine on adjacent properties.~~

35.26.090 - REC Zone Additional Standards

Proposed development and new land uses within the REC zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

A. ~~Coastal Zone development standards.~~

- ~~1. **Prohibition on structures on beach.** No buildings, structures, or facilities shall be located on the dry sandy beach except for those structures that require this location (e.g., lifeguard towers, volleyball nets).~~
- ~~2. **Priority for recreational uses.** In any area within 250 feet of the mean high tide line, priority shall be given to coastal dependent and coastal related recreational activities.~~
- ~~3. **Location of camping facilities.** Camping facilities should be set back from the beach and bluffs and near shore areas should be reserved for day use activities.~~

BA. Limitation on lodging occupancy. To ensure the recreational, rather than residential use of overnight accommodations, the maximum period for individual occupancy of overnight accommodations shall be 30 days.

35.26.100 - ~~Reserved~~TC Zone Standards

Proposed development and new land uses within the TC zone shall comply with the following standards, in addition to those in [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#).

A. ~~Land use limitations.~~

- ~~1. **Building and landscape materials sales – outdoor.** Building and landscape materials sales – Outdoor shall be limited to lumber yards.~~
- ~~2. **Temporary loading and shipping facilities.** Temporary loading and shipping facilities are allowed only if subject to a short-term lease of 45 days or less, unless a longer time period is approved by the Zoning Administrator.~~

~~B. **Open storage.** The permanent open storage of equipment and materials shall be permitted only in areas screened from view of surrounding lots and from public viewing places.~~

~~C. **Performance standard.** All activities shall be conducted in a manner so as not to be injurious to the health, safety, or welfare of persons residing or working in the vicinity by reason of danger to life or property.~~

~~D. **Requirements for transportation project approval.** The County shall ensure the identification of feasible methods to provide alternative transportation for the efficient use of the Highway 101 transportation corridor to accommodate further local, regional, and statewide transportation needs. Prior to the approval of a Coastal Development Permit/Development Plan for major metropolitan transportation investment projects pursuant to Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993, including the addition, relocation, or widening of any lanes, or construction of highway interchanges along Highway 101, the Commission, or Board of Supervisors on appeal, shall find that the approval complies with either of the following:~~

- ~~1. The project is consistent with the portions of the Santa Barbara Association of Governments' Regional Transportation Plan that are applicable to the County's portion of the Coastal Zone and which (a) includes an alternative transportation mode study as described below, and (b) has been incorporated by amendment into the County's certified Local Coastal Program; or~~
- ~~2. The project sponsor/applicant has completed an alternative transportation mode study to determine the type and extent of improvements needed to accommodate projected transportation levels. The study shall also evaluate the effectiveness and cost of alternative investments or strategies in attaining local, state and national goals and objectives. The study shall consider the costs of~~

~~reasonable alternatives and such factors as mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing, and energy consumption, consistent with federal regulations (Chapter 1 of Title 23 CFR, Part 450, dated October 28, 1993). The study shall specifically investigate the feasibility of alternative transportation modes such as, but not limited to, lanes dedicated to public commuter vehicles or multiple rider vehicles; mass transportation systems such as rail service; or other means of increasing the efficient use of the transportation corridor. The study shall also investigate the feasibility of accommodating non-motorized traffic through the development of recreational trails or commuter bikeways as an integral part of the transportation corridor.~~

- ~~3. For the purposes of satisfying the application filing requirements relative to this standard for a Coastal Development Permit/Development Plan, the scope of the alternative transportation modes study shall be developed jointly by the Department and the Santa Barbara County Association of Governments and shall be both proportionate and related to the scope of the proposed development. Further, the alternative transportation modes studies shall be coordinated with the cities within the Santa Barbara County Coastal Zone, and with San Luis Obispo and Ventura Counties. The informational requirements under this standard will be deemed to be met upon a determination by the Director that the scope of work has been fulfilled through the completion of the alternative transportation modes study.~~
- ~~4. As an alternative to the above study, the Director may determine that the environmental review for a project on Highway 101, or any combination of existing studies, adequately satisfies this application filing requirement. In this instance, no further study shall be required, providing that the information upon which the environmental review or other studies is based is current. This determination shall be based on finding that the study/documents contain an adequate analysis of the plans, methods, and potential actions to implement feasible alternative transportation modes as described above.~~
- ~~5. The cost of complying with either Subsections D.1 or D.2, above, shall be the responsibility of the project sponsor/applicant. The application for a Coastal Development Permit/ Development Plan shall be deemed complete only after this requirement is satisfied.~~

CHAPTER 35.28 - OVERLAY ZONES

Sections:

- 35.28.010 - Purpose
- 35.28.020 - Applicability of Overlay Zones
- 35.28.030 - Affordable Housing (AH) Overlay Zone
- 35.28.040 - Reserved
- 35.28.050 - Reserved
- 35.28.060 - Airport Approach (F) Overlay Zone
- 35.28.070 - Critical Viewshed Corridor (CVC) Overlay Zone
- 35.42.075 - Cannabis Regulations
- 35.28.080 - Design Control (D) Overlay Zone
- 35.28.090 - Reserved
- 35.28.100 - Environmentally Sensitive Habitat Area Overlay Zone
- 35.28.110 - Reserved
- 35.28.120 - Flood Hazard Area (FA) Overlay Zone
- 35.28.130 - Reserved
- 35.28.140 - Hazardous Waste Management Facility (HWMF) Overlay Zone
- 35.28.150 - Highway 101 Corridor (HC) Overlay Zone
- 35.28.160 - Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone
- 35.28.170 - Riparian Corridor - Goleta (RC-GOL) Overlay Zone
- 35.28.175 - Scenic Corridor - Mission Canyon (MC-SC) Overlay Zone
- 35.28.180 - Reserved
- 35.28.190 - Reserved
- 35.28.200 - Reserved
- 35.28.210 - Community Plan Overlays

35.28.010 - Purpose

This Chapter provides additional standards designed to protect sensitive resources, ensure reasonable development and housing opportunities and to promote the public health, safety and welfare of the community.

35.28.020 - Applicability of Overlay Zones

The provisions of this Chapter apply to development and land uses in addition to all other applicable requirements of this Development Code. Any conflict between the provisions of this Chapter and any other provision of this Development Code shall be resolved in compliance with Subsection 35.10.040.F (Conflicting requirements) or as specifically indicated within the following sections of this Chapter.

- A. Mapping of overlay zones.** The applicability of any overlay zone to a specific site is shown by the overlay zone Zoning Map symbol established by [Section 35.14.020 \(Zoning Map and Zones\)](#), being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the rezoning process in compliance with [Chapter 35.104 \(Amendments\)](#) subject to any specific rezoning requirements of the applicable overlay zone.
- B. Allowed land uses, permit requirements, development standards.** Except as may be otherwise provided by this Chapter for a specific overlay zone:
 1. Any land use normally allowed in the primary zone by this Chapter may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
 2. Development and land uses within a overlay zone shall obtain the planning permits required by this Chapter for the primary zone, and the overlay zone, as applicable; and

3. Development and land uses within an overlay zone shall comply with all applicable development standards of the primary zone and the overlay zone, except as modified by this Chapter.

35.28.030 - Affordable Housing (AH) Overlay Zone

A. Purpose and intent. The Affordable Housing (AH) overlay zone is intended to promote affordable housing production, and implement the policies of the Housing Element by providing substantial incentives to developers through standards of development and performance.

B. Applicability.

1. **Density bonus.** A residential development project within the AH overlay zone is eligible for increased density up to the maximum number of units designated by the overlay zone on the Zoning Map provided that either:
 - a. ~~30~~ Thirty percent or more of all new units are available to very low income households; or
 - b. ~~50~~ Fifty percent or more of all new units are available to a mix of very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each income category as indicated in Table 2-28 (AH Overlay 50% Mix Allotment) below:

Table 2-28 - AH Overlay 50% Mix Allotment

Affordable Housing Overlay (AHO) Density	Very Low (0% to 50% of median income)	Low (>50% to 80% of median income)	Lower Moderate (>80% to 100% of median income)	Upper Moderate (>100% to 120% of median income)
AHO density represents a 50% or greater increase over base density	N/A	50%	25%	25%
AHO density represents less than a 50% increase over base density	N/A	33%	33%	34%

The density increase shall be inclusive of the density bonus authorized by state law (e.g., density increase must be at least 20 percent over the base density as required by Government Code Sections 65915 and 65918 or successor statutes. The maximum density for a lot within the AH overlay shall be indicated on the Zoning Map.

2. **Relationship to primary zone.** Each land use and proposed development within the AH overlay shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section.
 - ~~a. Coastal Zone. In the Coastal Zone, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of the Coastal Land Use Plan shall control.~~
 - ~~b. Inland area. In the Inland area, if a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.~~

C. Allowable land uses. The following land use types may be permitted on a site within the AH overlay zone:

1. Any land use allowed in the primary zone, subject to the permit requirements established by the primary zone for the use; and
2. With the approval of a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) one-family dwellings, two-family dwellings, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, that contain a minimum of either 30 percent or 50 percent affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income households.

D. Permit and processing requirements.

1. **Final Development Plan required.** Final Development Plan approval in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a ~~Coastal Development Permit or~~ Land Use Permit for all development, including grading. Final Development Plan approval shall be subject to conditions and requirements determined by the review authority to be appropriate and necessary to ensure compliance with the purposes of the County's affordable housing program, the Housing Element and applicable provisions of the Comprehensive Plan.
2. **Fast track processing.** Each qualifying AH overlay project shall be subject to the fast track permit process outlined in the Housing Element Implementation Guidelines, to ensure that each AH overlay zone project receives timely and preferential processing.
3. **Pre-application procedure.** Prior to submitting an application for an AH overlay zone project, the applicant should obtain pre-application and other preliminary consultations with the Department and other officials to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. These preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project.

E. Modifications to Development Code requirements. The approval of a Final Development Plan for a site located on property zoned with the AH overlay zone may include the following modifications to requirements of this Development Code, in addition to the density modifications provided by Subsection B.1 (Density bonus) above.

1. **Zoning or improvement standards.** Facilities, improvements, and/or development or zoning standards normally required for residential development, other than those in this Section, may be modified by the Commission if deemed necessary to ensure dwelling unit affordability or to provide additional incentives. Examples of the modified facility requirements include the waiver or phasing of any required off-site improvements.
2. **Fees.** If deemed appropriate by the Board, any or all fees normally imposed by the County on development projects may be waived, reduced, or deferred. In these cases, reduced fees shall be based upon the applicant supplying the Board with evidence and assurances that savings realized from the reductions will be passed on to future residents by way of reduced rent or purchase price for units.
3. **Development standards.** The following standards shall apply to all qualified AH overlay zone projects in the DR (Design Residential) and PRD (Planned Residential Development) zones; ~~provided that the modifications are consistent with all applicable provisions of the Coastal Plan for projects in the Coastal Zone.~~
 - a. One side yard setback per lot may be reduced from the requirement of the applicable zone to a zero setback. The width of any setback thereby reduced shall be applied to the opposite side yard setback. In cases of corner lots, the side yard setback may be reduced to zero with no additional setback requirement for the opposite setback.
 - b. The total amount of common and/or public open space may be reduced to 30 percent of the gross acreage.

F. Affordable housing agreement. Prior to the issuance of a ~~Coastal Development Permit (Section 35.82.050) or a~~ Land Use Permit ([Section 35.82.110](#)) or Zoning Clearance ([Section 35.82.210](#)) for an AH overlay zone project, each project shall record an affordable housing agreement and resale and rental restrictive covenant, or other equivalent document approved as to form by the County Counsel, which outlines:

1. The sales and/or rental prices for the various types of units to be established; and
2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project, to ensure

the continued availability of units for purchase or occupancy by target households, in compliance with the Housing Element.

35.28.040 - Reserved

35.28.050 - Reserved

35.28.060 - Airport Approach (F) Overlay Zone

- A. Purpose and Intent.** The Airport Approach (F) overlay zone regulates land uses within Airport Clear and Approach Zones consistent with the Airport Land Use Plan, and limits the height of structures, appurtenances, and vegetation within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the County's airports.
- B. Applicability.**
- 1. Affected area.** The requirements of this Section apply within the Airport Clear and Approach Zones, as the zones are described in Subsection D. (Description of Airport Clear and Approach zones) below. In addition, the requirements of Subsection F. (Development standards) below, apply within the Airport Land Use Commission Planning Boundaries, as the boundaries are shown on the Airport Land Use Plan maps.
 - 2. Relationship to primary zone.** Each land use and proposed development within the F overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. Role of Airport Land Use Commission (ALUC)**
- 1. Review of proposed development.**
 - a. An application for development approval that is determined by the Department to be consistent with the provisions of this overlay zone shall not be subject to review by the ALUC.
 - b. An application for development approval that is determined by the Department to be inconsistent or potentially inconsistent with the provisions of this overlay zone shall be referred to the ALUC for a determination as to whether the application is consistent with the provisions of the Airport Land Use Plan (ALUP).
 - c. No permit for a project determined by the Department to be inconsistent or potentially inconsistent with the provisions of this overlay zone shall be approved or recommended for approval until the ALUC has reviewed the application and determined whether the project is consistent with the ALUP; however, the failure of the ALUC to render its determination within 60 days of the referral shall be construed as a finding that the proposed development is consistent with the ALUP.
 - d. By a majority of their total membership the Commission and/or Board may approve a discretionary permit, or a discretionary or ministerial permit on appeal, accompanied by findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.
 - 2. Review of proposed amendments.** The proposed adoption or Amendment of any portion of the Comprehensive Plan and/or any Specific Plan, zoning or building regulation, that may apply to any property within a Clear and/or Approach Zone, shall be referred to the ALUC for determination as to the consistency of the proposed action with the adopted ALUP. A finding by the ALUC that the proposed action is not consistent with the ALUP, including recommended project modifications and/or conditions deemed necessary by the ALUC to achieve consistency, may be overridden only by a two-thirds vote of the total membership of the Board accompanied by findings, based upon substantial evidence in the public record, that the proposed action is consistent with the purpose and

intent expressed in Public Utilities Code Section 21670.

D. Description of the Airport Clear and Approach Zones. Airport Clear Zones and Airport Approach Zones are subject to particular hazards, requiring land use restrictions to promote the public safety and preserve navigable airspace. The Clear and Approach Zones and their boundaries are described as follows. Land use regulations within the Clear Zones and Approach Zones are detailed in Subsection E. (Land use standards) below, height restrictions and additional land use guidelines are detailed in Subsection F. (Development standards) below.

1. **Airport Clear Zone, F(CLR).** Airport Clear Zones are located immediately adjacent to the ends of airport runways. The Clear Zone dimensions applicable to each runway of the County's airport are described in Subsection D.3 (Physical dimensions) below. The Clear Zones are shown in the Land Use Element, and are designated on the zoning maps by the symbol F(CLR). Airport Clear Zone areas experience greater noise and safety hazards than Airport Approach Zones, and are subject to more restrictive land use limitations.
2. **Airport Approach Zones, F(APR).** Airport Approach Zones are extensions of the Airport Clear Zones. The Approach Zone dimensions applicable to each runway of the County's airports are described in Subsection D.3 (Physical dimensions) below. The Approach Zones are shown in the Land Use Element, and are designated on the zoning maps by the symbol F(APR). Airport Approach Zones are subject to lesser noise and safety hazards than the Airport Clear Zones, and thus are subject to less restrictive land use limitations.
3. **Physical dimensions.** The Airport Clear and Approach Zones form a continuous horizontal plane surface adjacent to the end of the affected runway. The ends of runways lie 200 feet within the ends of a "primary surface" as defined in Federal Aviation Regulations (FAR) Part 77.25(c). This surface has the geometric form of an isosceles trapezoid, extending outward from the runway end and bisected by an extension of the runway centerline. Table 2-29 (Airport Clear and Approach Zone Dimensions) identifies the specific dimensions of these zones for each county airport runway. Also see Figure 2-3 (Airport Clear and Approach Zones).

Table 2-29 - Airport Clear and Approach Zone Dimensions

Airport	Runway	W1 (1)	W2	D1 (1)	D2 (1)
Lompoc	7-25	460 ft	1,500 ft	1,200 ft	5,200 ft
Santa Barbara	7	940 ft	4,000 ft	2,700 ft	10,200 ft
	25	940 ft	4,000 ft	1,900 ft	10,200 ft
	15-33	460 ft	1,500 ft	1,200 ft	5,200 ft
Santa Maria	12	940 ft	4,000 ft	2,700 ft	10,200 ft
	30	940 ft	4,000 ft	1,900 ft	10,200 ft
	2-20	460 ft	1,500 ft	1,200 ft	5,200 ft
Santa Ynez	8-26	460 ft	1,500 ft	1,200 ft	5,200 ft

Notes:

- (1) The dimensions W1, D1, and D2 in the above table have been adjusted to account for their being measured from the end of the runway rather than from the end of the primary surface defined in FAR Part 77.25(c). These adjustments have been made so that the Clear and Approach Zone dimensions may be measured from commonly mapped and determinate physical features, while being coterminous with the Clear and Approach Zones defined in the Airport Land Use Plan.

E. Land use standards. Each land use proposed within an Airport Clear or Approach Zone shall comply with all of the following standards.

1. **Uses prohibited in all zones.** The following uses are prohibited in both the Airport Clear or Airport Approach zones:
 - a. A use that would direct steady or flashing lights at aircraft during initial climb or final approach, other than an FAA approved navigational signal or visual approach slope indicator (VASI);

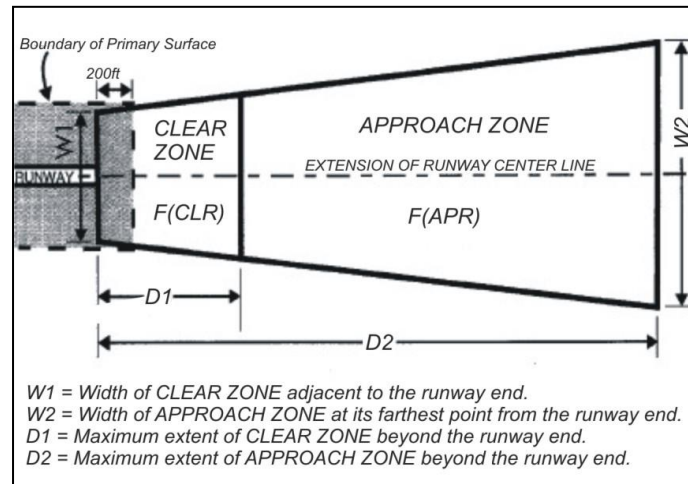


Figure 2-3 - Airport Clear and Approach Zones

- b. A use that would cause sunlight to be reflected toward an aircraft on initial climb or final approach;
 - c. A use that would generate smoke or attract large concentrations of birds, or which may otherwise affect safe aviation within the area;
 - d. A use that would generate electrical interference that may be detrimental to the operation of aircraft, communications, or airport instrumentation.
2. **Airport Clear Zones.** The following requirements apply within the Airport Clear Zones in addition to those in Subsection E.1 (Uses prohibited in all zones) above.
- a. **Prohibited uses.** The following uses are prohibited within Airport Clear Zones:
 - (1) All residential uses;
 - (2) Hazardous uses including above-ground oil, gas, or chemical storage, except as permitted under Subsection F.3 below;
 - (3) Any use that may result in a long- or short-term concentration of people greater than 25 persons per gross acre, unless the use is found consistent with the Airport Land Use Plan by the ALUC, or is approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.
 - b. **Examples of permitted uses.** The following are examples of uses permitted within the Airport Clear Zones, where allowed by the primary zone, subject to the general exclusions in Subsection E.1 (Uses prohibited in all zones) above.
 - (1) Aeronautical facilities (e.g., instrument landing navigation aids and equipment buildings, visual navigation aids, weather data instruments, fencing and access roadways to protect and serve aeronautical installations, and airport entrance roadways);
 - (2) Agriculture and agricultural storage;
 - (3) Automobile sales display areas;
 - (4) Automobile wrecking yards;
 - (5) Building contractors' yards;

- (6) Building materials storage and wholesale yards;
- (7) Hay, grain, and feed wholesale yards;
- (8) Mini-storage warehouses;
- (9) Open space;
- (10) Parking lots, including those that may serve areas or uses not within airport clear zones;
- (11) Recreational vehicle and boat storage yards;
- (12) Truck, bus, and construction equipment storage yards;
- (13) Wholesale nurseries;
- (14) Any other use that the ALUC finds consistent with the ALUP, or that is approved by a two-thirds vote of the Board with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670.

3. Airport Approach Zones. The following uses generally are not permitted within one mile of the runway end in the Airport Approach Zones, unless found consistent with the ALUP by the ALUC, or approved by a two-thirds vote of the Board’s total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code Section 21670:

- a. Residential development, except for reconstruction, alterations, construction of new one-family homes on existing legal lots and one-family residential land divisions representing a density less than or equal to four units per gross acre; and
- b. Nonresidential development that would concentrate more than 25 persons per gross acre, including schools, office buildings, shopping centers, hospitals, and stadiums.

F. Development standards.

1. Height limits.

a. Airport Clear and Approach Zones. The height limits required by this Subsection apply within both the Clear and Approach Zones, and certain uses may require an assessment for possible airspace obstruction. These restrictions and requirements complement, but do not supersede the requirements of the Federal Aviation Regulations Part 77.

Within both the Airport Clear Zones and the Approach Zones, the highest point of any structure, improvement, or vegetation above the elevation of the respective runway end shall not exceed one vertical foot per the number of feet of horizontal distance between the structure or improvement and the runway end, as shown in the following table; provided that this Section shall not prevent the establishment or maintenance of a structure or improvement not exceeding 15 feet in height above the elevation of the runway end.

Table 2-30 - Airport Clear and Approach Zone Dimensions

Airport	Runway	Horizontal Distance Factor
Lompoc	7	20 ft
	25	34 ft
Santa Barbara	7	50 ft
	25	34 ft
	15-33	20 ft
Santa Maria	12	50 ft
	30	34 ft
	2-20	20 ft
Santa Ynez	8-26	20 ft

- b. Airport Land Use Commission (ALUC) Planning Boundary.** Each application for proposed structures, improvements, or vegetation that exceeds the following height within the ALUC Planning Boundary shown on the maps of the adopted ALUP which includes but extends beyond the Clear and Approach Zones, shall be referred to the ALUC for review and possible subsequent referral to the Federal Aviation Administration (FAA) and the affected airport operator for an assessment of potential airspace obstruction. Referral is required for all proposed structures, improvements, and vegetation with a maximum height above site grade exceeding the lesser of:
- (1) One vertical foot for each 100 horizontal feet from the nearest point of the nearest airport runway or heliport; or
 - (2) 45 feet.
- This referral process is intended to simplify identifying most potential airspace obstructions beyond the boundaries of the Airport Clear and Approach Zones. This process is intended to complement, but not supersede related notification requirements specified in FAR Part 77. This process does not relieve the applicant of responsibility for direct notification of the FAA Administrator under FAR Part 77. This procedure is not intended to affect the timing of normal Departmental processing of the development permit application.
- 2. Noise standards.** New residential uses, and the conversion of an existing structure to a residential use on property within an F overlay zone, shall be approved only with conditions that:
- a. Each unit and associated structures and areas exposed to airport noise levels of 65 dB LDN (or CNEL) or greater shall be subject to an avigation/noise easement or easements, which shall be of a form and content approved by the County in consultation with the affected airport operator;
 - b. Any prospective buyer, lessee, or renter shall be notified in writing, prior to entering any sale, lease, or rent contract, if any exterior living area associated with a unit for sale, lease, or rent is exposed to airport noise levels of 65 dB LDN (or CNEL) or greater; and
 - c. The State Department of Real Estate Public Report (for any subdivision, condominium project) shall disclose whether any unit is within a 65+ dB LDN (or CNEL) airport noise exposure area, and shall refer to any avigation/noise easement affecting the unit.
- 3. Hazardous materials.** Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) for a use located within a Clear Zone that involves the storage of more than 10 gallons of flammable liquid or hazardous material:
- a. The County Public Health Department and the Fire Department having inspection, permit, and/or emergency response responsibility for that location shall review the proposed use, and
 - b. Any potential hazards associated with the storage of said materials shall be mitigated to the reasonable satisfaction of the County Public Health Department and applicable Fire Department.

35.28.070 - Critical Viewshed Corridor (CVC) Overlay Zone

- A. Purpose and intent.** The Critical Viewshed Corridor (CVC) overlay zone is applied to property in the Gaviota Coast Plan area to provide enhanced protection to the critical coastal viewsheds of the Gaviota Coast from inappropriate development. The intent is to ensure that development is sited and/or screened in a manner that will reduce impacts to the public viewshed while allowing for reasonable development.
- B. Applicability.** This overlay zone is applied in the Gaviota Coast Plan area to the visually critical near-field viewsheds located to the north and south of Highway 101 as shown on the County zoning map. All development within this overlay zone is subject to the requirements of this overlay zone except as provided below:
1. Single agricultural structures with an individual gross floor area of less than 5,000 square feet are not subject to the requirements of this overlay zone provided:
 - a. The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
 - b. The structure(s) complies with the following standards:
 - (1) All exterior lighting is in compliance with the following:
 - (a) The lighting is required for safety purposes only.
 - (b) Light fixtures are fully shielded (full cutoff) and are directed downward to minimize impacts to the rural nighttime character.
 - (c) Lighting is directed away from habitat areas, nearby residences, public roads and other areas of public use to the extent feasible.
 - (2) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
- C. Relationship to primary zone.** Each land use and proposed development within the CVC overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- D. Permit and processing requirements.**
1. **Design review required.** Except for development that is exempt from the requirements of this overlay zone in compliance with Subsection B (Applicability), above, all structural development proposed on a lot located within the CVC overlay zone shall require Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) prior to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#).
 2. **Application requirements.** An application for Design Review shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
 3. **Criteria for approval.** The Board of Architectural Review may approve or conditionally approve the application only if it determines that the project conforms to the following standards:
 - a. **Screening.** Development is screened to the maximum extent feasible as seen from public viewing places. Screening shall be achieved to the maximum extent feasible through adherence to the Site Design Hierarchy within the Gaviota Coast Plan Design Guidelines.
 - b. **Landscaping.** Landscaping, not including any agricultural crop or orchard, when mature, does not obstruct public views of the mountains or the ocean.
 - c. **Ocean views.** Development is sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and is clustered to the maximum extent feasible.

d. Structure height.

- (1) The height of any structure located south of Highway 101 does not exceed 15 feet unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.
- (2) Visible portions of structures located on lots having unobstructed broad view of the ocean shall be designed so that any intrusions into the view of the ocean, as seen from public viewing areas, is minimized to the maximum extent feasible.
- (3) The height and/or scale development is harmonious with the surrounding area.
- (4) The appearance of the development is not undesirable or unsightly.

4. **Appeal.** The action of the Board of Architectural Review may be appealed in compliance with [Chapter 35.102 \(Appeals\)](#).

E. Land use limitations.

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

35.28.080 - Design Control (D) Overlay Zone

- A. Purpose and intent.** The Design Control (D) overlay zone is applied where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures require Design Review. The intent is to ensure well designed development and to protect scenic qualities, property values, and neighborhood character.
- B. Applicability.** Each land use and proposed development within the D overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
- C. Permit and processing requirements.** The plans for each new or altered structure within the D overlay zone shall be submitted for Design Review in compliance with [Section 35.82.070 \(Design Review\)](#), except as shown below:
 1. **Eastern Goleta Valley.** The plans for each new or altered structure subject to the Eastern Goleta Valley Design Guidelines shall be submitted for Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) if required by Subsection E.2, below.
 2. **Los Alamos Community Plan area.** The plans for each new or altered structure subject to the Los Alamos Bell Street Design Guidelines shall be submitted for Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) if required in compliance with [Section 35.28.080.F.2](#).
- D. Setbacks, height limits, and other zoning requirements.** New construction and alterations shall comply with the regulations of the primary zone, except that when the primary zone allows modifications of the regulations by the Director, Zoning Administrator, or Commission, the Board of Architectural Review may recommend the modifications of setbacks, height limits, and other requirements to protect visual resources.
- E. Eastern Goleta Valley.**
 1. **Purpose and intent.** This section establishes procedures and findings for the approval of land use and proposed development located in the Eastern Goleta Valley to ensure that such land use and proposed development is consistent with the Eastern Goleta Valley Design Guidelines for residential development.

2. **Applicability.** The following shall be submitted for Design Review in compliance with [Section 35.82.070 \(Design Review\)](#):
 - a. New one-family and two-family dwellings.
 - b. Demolished and reconstructed one-family and two-family dwellings when 50 percent or more of the existing gross floor area is demolished.
 - c. Second and third floor additions to existing one-family and two-family dwellings not including the addition of lofts within an existing structure where there is no change in the outward appearance of the structure.
 - d. Conversions of attached and detached garages that are accessory to one-family or two-family dwellings that result in an increase in habitable area.
 - e. Any addition of more than 1,000 square feet of the gross floor area or 50 percent or more of the gross floor area of the principal one-family or two-family dwelling that existed on the lot as of ~~the effective date of this Subsection E for lots located within the Coastal Zone or March 1, 2007 for lots located within the Inland area~~, whichever is less.
 - f. Any structural alterations to one-family and two-family dwellings that are substantially visible from the street frontage.

F. Los Alamos Community Plan area

1. **Purpose and intent.** This section establishes procedures and findings for the approval of land use and proposed development in the Los Alamos Community Plan area to ensure that such land use and proposed development is consistent with the Los Alamos Bell Street Design Guidelines.
2. **Applicability.** The following shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review).
 - a. The construction of new buildings.
 - b. Demolished and reconstructed buildings when 50 percent or more of the existing gross floor area is demolished.
 - c. Second and third floor additions to buildings not including the addition of lofts or mezzanines within an existing structure where there is no change to the outward appearance of the structure.
 - d. Any structural alterations that substantially alters the façade and are substantially visible from the street frontage within the Bell Street Commercial Core and Design Control Overlay area.

G. Santa Ynez Valley Community Plan Area

1. **Special provisions for projects within the Santa Ynez Valley Community Plan Area.** All structures located on property within the Santa Ynez Valley Community Plan area and zoned with the Design Control (D) Overlay shall require Design Review in compliance with Section 35.82.070 except for the following:
 - a. Agricultural accessory structures that have a gross floor area of less than 1,000 square feet.
 - b. Deer and livestock fencing up to 8 feet in height.
 - c. Structures that cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structure is visible from public roadways or other areas of public use.
 - d. Structures exempt from Design Review in compliance with Subsection 35.82.070.C.

35.28.090 - Reserved**35.28.100 - Environmentally Sensitive Habitat Area Overlay Zone**

- A. Purpose and intent.** The Environmentally Sensitive Habitat Area (ESH) overlay zone is applied to areas with unique natural resources and/or sensitive animal or plant species, and/or their habitats, where existing and potential development and other activities may despoil or eliminate the resource. This overlay is intended to:
1. Protect and preserve specified areas in which plant or animal species or their habitats are either rare or especially valuable because of their role in the ecosystem, and that could be easily disturbed or degraded by human activities and developments; and
 2. Ensure that each project permitted in the overlay zone is designed and carried out in a manner that will provide the maximum feasible protection to sensitive habitat areas.
- B. Applicability.**
1. The Environmentally Sensitive Habitat Area overlay zone is applied within the Eastern Goleta Valley Community Plan, the Gaviota Coast Plan, the Goleta Community Plan, the Mission Canyon Community Plan, and the Toro Canyon Plan areas. The requirements of this Section shall apply to:
 - a. Areas within the Eastern Goleta Valley Community Plan area designated as ESH-GOL on the Zoning Map.
 - b. Areas within the Gaviota Coast Plan designated as ESH-GAV on the Zoning Map.
 - c. Areas within the Goleta Community Plan designated as ESH-GOL on the Zoning Map.
 - d. Areas within the Mission Canyon Community Plan designated as ESH-MC on the Zoning Map.
 - e. Areas within the Toro Canyon Plan designated as ESH-TCP on the Zoning Map.
 2. **Relationship to primary zone.** Each land use and proposed development on property designated as ESH-GAV, ESH-GOL, ESH-MC or ESH-TCP shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
 - a. **Additional requirements.** The biological resource policies and development standards in the Toro Canyon Plan shall apply to any area designated as ESH-TCP in addition to the requirements of this Section unless it is determined that the project is not located in or within 100 feet of an environmentally sensitive habitat area in compliance with Subsection B.4.c, below.
 3. **Overlay zone boundary.** The Zoning Map, and the process described in Subsection B.4 (Environmentally sensitive habitat area boundary determination), below, shall guide determining whether the requirements of this Section apply to any area designated as ESH-GAV, ESH-GOL, ESH-MC or ESH-TCP.
 4. **Environmentally sensitive habitat area boundary determination.** The determination of the boundary of an environmentally sensitive habitat area shall occur during permit application review.
 - a. **ESH-GAV.**
 - (1) The requirements of this Section shall not apply to an application for a project if the Director determines that the proposed development is not located in an environmentally sensitive habitat area.
 - (2) A site inspection shall be conducted, if determined to be necessary by the Director, if the Director determines that the proposed development is located in an environmentally sensitive habitat area.

- (a) If the Director determines that a site inspection is required, then the site inspection shall be performed by a qualified biologist to be selected jointly by the Department and the applicant.
 - (3) Upon completion of the site inspection, and if determined by the review authority to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the biological habitat, goals, objectives, policies, development standards, and actions of the Gaviota Coast Plan.
- b. ESH-GOL.**
- (1) The requirements of this Section shall not apply to an application for a project if the Director determines that the proposed development is not located in an environmentally sensitive habitat area.
 - (2) A site inspection shall be conducted, if determined to be necessary by the Director, if the Director determines that the proposed development is located in an environmentally sensitive habitat area.
 - (a) If the Director determines that a site inspection is required, then the site inspection shall be performed by a qualified biologist to be selected jointly by the Department and the applicant.
- c. ESH-MC and ESH-TCP.**
- (1) The requirements of this Section shall not apply to an application for a project if the Director determines, following a review of the Mission Canyon Community Plan Environmentally Sensitive Habitat Map or the Toro Canyon Environmentally Sensitive Habitat Map, as applicable, and, where appropriate, by conducting a site visit, that the proposed project is not located in or within 100 feet of an environmentally sensitive habitat area.
 - (a) **Toro Canyon Plan area.** The project shall also not be subject to the biological resources policies and development standards in the Toro Canyon Plan if the project is determined by the Director to not be located in or within 100 feet of an environmentally sensitive habitat area.
 - (2) **Site inspection and biological report.** A site inspection by the Department biologist may be required if the Director determines that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area.
 - (a) The Director may determine that the preparation of a biological report by a qualified biologist to be selected jointly by the Department and the applicant is required in order to identify the environmentally sensitive habitat area.
 - (b) The determination by the Director that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area is final and not subject to appeal in compliance with Section 35.102 (Appeals); however, the determination may be disputed by the applicant in compliance with Subsection B.4.d (Dispute resolution, ESH-MC and ESH-TCP), below.
- d. Dispute resolution, ESH-MC and ESH-TCP.** On lots designated as ESH-MC or ESH-TCP, if the determination by the Director that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area is disputed by the applicant then additional study of the potential environmentally sensitive habitat on the site shall be required.
- (1) If the Director determines, based upon additional evidence presented by a qualified biologist, that a site does not contain biological resources and sensitive habitats

identified as environmentally sensitive habitats in the Mission Canyon Community Plan or the Toro Canyon Plan, as applicable, the proposed project on the lot shall not be subject to the requirements of this Section.

- (2) In the event there is disputed biological evidence, third-party review by another qualified biologist shall be required, at the expense of the applicant, before the environmentally sensitive habitat designation may be found inapplicable. If the Director determines that the preponderance of credible evidence in a biological assessment does not support rescinding the environmentally sensitive habitat designation or modifying the environmentally sensitive habitat boundary, the area shall remain mapped as environmentally sensitive habitat and the project shall comply with all applicable requirements of this Section.

- (a) This decision by the Director is subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

5. **Identification of newly documented environmentally sensitive habitat areas, ESH-GAV, ESH-GOL (Eastern Goleta Valley Community Plan area), ESH-MC and ESH-TCP.** On lots located within the Gaviota Coast Plan area, the Eastern Goleta Valley Community Plan area, the Mission Canyon Community Plan area or the Toro Canyon Plan area, if an environmentally sensitive habitat area is identified by the Department to be located on-site during permit application review, but the habitat area is not designated as ESH-GAV, ESH-GOL, ESH-MC or ESH-TCP, the provisions of Subsections C. through F., below, as applicable, shall apply. The Department will periodically update the Zoning Map to apply the ESH-GAV, ESH-GOL, ESH-TCP or the ESH-MC overlay zone to add the new habitat areas and applicable setback areas.

- C. **Permit and processing requirements, ESH-GAV.** The following permit and processing requirements shall apply to lots zoned ESH-GAV.

1. **Land Use Permit requirement and exemptions.**

- a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for the following activities located within the Gaviota Coast Plan area, except when the activity occurs as part of an agricultural use, as defined by this Development Code, when located on lots with an agricultural zone designation, i.e., AG-I or AG-II, or the activity is exempt from this requirement as provided in Section 35.28.100.C.1.b, below.

- (1) The removal of native vegetation from an area greater than 5,000 square feet.
- (2) The removal of native riparian vegetation along 50 linear feet or more of a creek or stream.
- (3) The removal of native vegetation that, when added to the previous removal of native vegetation within the affected habitat, would total more than 5,000 square feet of native vegetation, or more than 50 linear feet of native riparian vegetation along a creek or stream.
- (4) Grading in excess of 50 cubic yards of cut or fill.
- (5) The removal of any native tree greater than six inches in diameter measured four feet above existing grade, or more than six feet in height, or non-native trees that are used as habitat by the Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (a) The tree is dead and is not of significant habitat value.
 - (b) The trees prevent the construction of a project for which a Land Use Permit has been issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) and this

Section, and project redesign is not feasible.

- (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.
- (d) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

b. Exemptions from Land Use Permit requirements. The issuance of a Land Use Permit shall not be required for the following activities located within the Gaviota Coast Plan area:

- (1) The removal of vegetation along roads and driveways up to 10 feet on both sides of the roads and/or driveways.
- (2) Fuel modification for defensible space within 100 feet of an existing structure.
- (3) Fuel modification for defensible space located more than 100 feet but less than 300 feet from an existing structure following inspection by Santa Barbara County Fire Department personnel and issuance of a letter by the County Fire Department determining that more than 100 feet of fuel modification is required to provide adequate defensible space around the structure based on a site specific safety zone calculation.
- (4) In compliance with [Section 35.10.040.G](#) (State, County, Local Agency, and School District sites and facilities), clearing vegetation, conducting prescribed fires, maintaining fire roads, and other wildfire prevention activities by the Federal government (e.g., U.S. Forest Service) on leased or federally owned land, the County or any district of which the Board of Supervisors is the governing body (e.g., County Fire Department), and the State or an agency of the State acting in its sovereign (governmental) capacity (e.g., California Department of Forestry and Fire Prevention (CAL FIRE)).

- 2. Minor Conditional Use Permit requirement.** A Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) is required where a significant amount of vegetation is proposed to be removed which would exceed one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill, unless the removal occurs as part of an agricultural use, as defined by this Development Code, when located on lots with an agricultural zone designation, i.e., AG-I or AG-II.
- 3. Findings required for permit approval.** Prior to issuance of any planning permit for a lot located within the ESH-GAV overlay zone, the review authority shall first find that the proposed development is consistent with all applicable biological goals, objectives, policies, actions and development standards of the Gaviota Coast Plan, in addition to all other findings required by this Development Code for permit approval.
- 4. Conditions of approval.** A permit may be issued subject to compliance with conditions of approval that the review authority determines to be necessary to ensure consistency with habitat protection provisions of the Gaviota Coast Plan.
 - a. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat.
 - b. The conditions may also include deed restrictions and easements for resource protection. Any regulation of the primary zone specifying building height limit, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express conditions in the permit to achieve the purposes of this overlay zone.

D. Permit and processing requirements, ESH-GOL. The following permit and processing requirements shall apply to lots zoned ESH-GOL.

1. Land Use Permit requirement.

a. Locations within the Eastern Goleta Valley Community Plan area.

(1) Land Use Permit Required. The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for the following activities located within the Eastern Goleta Valley Community Plan area, except when exempt from this requirement as provided in [Section 35.28.100.D.1.a.\(2\)](#) below.

- (a) The removal of native vegetation from an area more than 5,000 square feet.
- (b) Fuel modification for defensible space for any existing structure.
- (c) The removal of native riparian vegetation along 50 linear feet or more of a creek or stream.
- (d) The removal of native vegetation that, when added to the previous removal of native vegetation within the affected habitat, would total more than 5,000 square feet of native vegetation, or more than 50 linear feet of native riparian vegetation along a creek or stream.
- (e) Grading in excess of 50 cubic yards of cut or fill.
- (f) The removal of any native tree more than six inches in diameter measured four feet above existing grade, or more than six feet in height, or non-native trees that are used as habitat by the Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (i) The tree is dead and is not of significant habitat value.
 - (ii) The trees prevent the construction of a project for which a Land Use Permit has been issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) and this Section, and project redesign is not feasible.
 - (iii) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.
 - (iv) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

(2) Exemptions from Permit Requirements. The issuance of a Land Use Permit shall not be required for the following activities located within the Eastern Goleta Valley Community Plan area:

- (a) The removal of vegetation along roads and driveways up to 10 feet on both sides of the roads and/or driveways.
- (b) Fuel modification for defensible space within 100 feet of an existing structure.
- (c) Fuel modification for defensible space located more than 100 feet but less than 300 feet from an existing structure following inspection by Santa Barbara County Fire Department personnel and issuance of a letter by the County Fire Department determining that more than 100 feet of fuel modification is required to provide adequate defensible space around the structure based on a site specific safety zone calculation.
- (d) In compliance with [Section 35.10.040.G \(State, County, Local Agency, and](#)

[School District sites and facilities](#)), clearing vegetation, conducting prescribed fires, maintaining fire roads, and other wildfire prevention activities by the Federal government (e.g., U.S. Forest Service) on leased or federally owned land, the County or any district of which the Board of Supervisors is the governing body (e.g., County Fire Department), and the State or an agency of the State acting in its sovereign (governmental) capacity (e.g., California Department of Forestry and Fire Prevention (CAL FIRE)).

b. Locations within the Goleta Community Plan area. For development proposed within an area subject to this Section that is located within the Goleta Community Plan area, the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for the following, in addition to those required to have a Land Use Permit by the primary zone.

- (1) The removal of vegetation from an area greater than 5,000 square feet.
- (2) The removal of a significant amount of vegetation along 50 linear feet of creek bank.
- (3) The removal of vegetation that, when added to the previous removal of vegetation within the affected habitat, would total more than 5,000 square feet, or longer than 50 linear feet of vegetation along a creek bank.
- (4) Grading in excess of 50 cubic yards of cut or fill.
- (5) The removal of any native tree greater than six inches in diameter measured four feet above existing grade, or more than six feet in height, or non-native trees that are used as habitat by the Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (a) The tree is dead and is not of significant habitat value.
 - (b) The trees prevent the construction of a project for which a Land Use Permit has been issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) and this Section, and project redesign is not feasible.
 - (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.
 - (d) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.

2. **Minor Conditional Use Permit requirement.** A Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) is required where a significant amount of vegetation is proposed to be removed which would exceed one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.
3. **Findings required for permit approval.** A permit may be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area and to ensure consistency with the biological habitat, goals, objectives, policies, development standards, and actions of the Eastern Goleta Valley Community Plan or the Goleta Community Plan, as applicable.
4. **Conditions of approval.** A permit may be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area and to ensure consistency with the biological habitat, goals, objectives, policies, development standards, and actions of the Goleta Community Plan.

- a. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat.
- b. The conditions may also include deed restrictions and easements for resource protection. Any regulation of the primary zone specifying building height limit, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express conditions in the permit to achieve the purposes of this overlay zone.

E. Permit and processing requirements, ESH-MC. The following permit and processing requirements shall apply to lots zoned ESH-MC.

1. Land Use Permit requirement.

- a. The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for the following activities unless the activity is determined to be exempt from a Land Use Permit in compliance with Subsection E.1.b (Land Use Permit exemptions), below.
 - (1) The removal of any native tree (as listed in Mission Canyon Community Plan Policy BIO-MC-6) greater than six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above ground level (or as measured from the uphill side where sloped), unless the Director makes one or more the following findings, based on evidence submitted by an arborist or biologist approved by the Department:
 - (a) The tree is dead and is not of significant habitat value.
 - (b) The tree prevents the construction of a project for which a Land Use Permit has been issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) and this Section, and project redesign is not feasible.
 - (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity.
 - (d) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
 - (2) The removal of native vegetation within the stream or creek buffer defined as 50 feet or greater from the geologic top of bank of any stream or creek.
- b. **Land Use Permit exemptions.** The permit requirements in Subsection E.1.a, above, do not apply to the following activities, unless the activity occurs in conjunction with the processing of another application for development that requires a Land Use Permit:
 - (1) Removal of immature native trees (as listed in Mission Canyon Community Plan Policy BIO-MC-6).
 - (2) Removal of loose leaves, branches, and other surface debris from the soil surface.
 - (3) Removal of non-native or invasive species (as listed on the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory Database).
 - (4) Removal of understory vegetation in non-riparian oak woodland or forest area if located within the minimum defensible space area. This exemption applies to defensible space from permitted and nonconforming structures.
 - (5) Limbing of mature trees for fuel modification for defensible space.
 - (6) Thinning or mowing of vegetation (except mature native trees) as required to meet fuel modification criteria and leaving the roots intact, provided no sensitive species are destroyed.

2. **Minor Conditional Use Permit requirement.** The issuance of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) shall be required for the following activities.
 - a. Removal of native vegetation for a distance of 500 linear feet or more along a creek.
 - b. Removal of one acre or more of vegetation within an oak woodland or forest habitat outside of the minimum area required for defensible space.
 - c. Grading in excess of 1,500 cubic yards of cut and fill.
 3. **Fuel modification for defensible space - Mission Canyon Community Plan area.** In the Mission Canyon Community Plan area, fuel modification for Defensible Space associated with applications submitted in compliance with Subsections E.1 and E.2, above, for new dwelling units, or additions to dwelling units, either individually or combined, which are greater than 50 percent of the gross floor area of the dwelling as it existed on May 2, 2014, shall be subject to the following:
 - a. If a biological report is determined to be necessary by the Director, in compliance with Subsection B.4 (Boundary determination), above, the report shall describe the boundaries and fuel modification measures to be used to create defensible space for existing and proposed structures located within the environmentally sensitive habitat area
 - b. Plans for fuel modification shall be reviewed by a qualified biologist, in consultation with County Fire Department, and shall contain measures to ensure that the habitat's structural integrity (e.g., stable stream banks, tree canopies for shade, adequate ground cover for erosion control and wildlife cover) and ecological functions (e.g., maintenance of water quality) that physically support species are maintained.
 4. **Findings required for permit approval.** Prior to approval of any permit for a project within the ESH-MC overlay zone, the review authority shall first find, in addition to other findings required by this Development Code, that the proposed project complies with all applicable biological resource policies and development standards in the Mission Canyon Community Plan.
 5. **Conditions of approval.** A permit shall be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area consistent with the biological resource policies and development standards of the Mission Canyon Community Plan.
 - a. The conditions may limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the project to ensure protection of the habitat.
- F. Permit and processing requirements, ESH-TCP.** The following permit and processing requirements shall apply to lots zoned ESH-TCP.
1. **Land Use Permit requirement.**
 - a. The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for the following activities unless the activity is directly related to an agricultural use on a lot with an agricultural zone designation.
 - (1) The removal of native vegetation along 50 linear feet or more of a creek bank or removal that, when added to the previous removal of native vegetation within the affected habitat on the site, would total 50 or more linear feet of native vegetation along a creek bank.
 - (2) Grading in excess of 50 cubic yards of cut or fill.
 - (3) Except for vegetation fuel management within 100 feet of an existing structure:

- (a) The removal of native vegetation over an area greater than 21,780 square feet (one-half acre) or that, when added to the previous removal of native vegetation within the affected habitat on the lot, would total an area greater than 21,780 square feet.
- (4) Vegetation fuel management beyond 100 feet from any existing structure on the property.
- (5) The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non-native trees that are used as a habitat by Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (a) The tree is dead and is not of significant habitat value; or
 - (b) The tree prevents the construction of a project for which a Land Use Permit has been issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) and this Section, and project redesign is not feasible; or
 - (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person; or
 - (d) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
- 2. **Minor Conditional Use Permit requirement.** Except for vegetation fuel management within 100 feet of an existing structure, the approval of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) shall be required where native vegetation is proposed to be removed from more than one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.
- 3. **Finding required for permit approval.** Prior to approval of any permit for a project within the ESH-TCP overlay zone, the review authority shall first find, in addition to other findings required by this Development Code, that the proposed project complies with all applicable biological resource policies and development standards in the Toro Canyon Plan.
- 4. **Conditions of approval.** A permit shall be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area to the maximum extent feasible consistent with the biological resource policies and development standards of the Toro Canyon Plan.
 - a. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the project to ensure protection of the habitat.
 - b. The conditions may also include deed restrictions and conservation and resource easements. Any regulation of the primary zone, except permitted or conditionally permitted uses, may be altered by express conditions in the permit, to achieve the purposes of this overlay zone, provided that the alteration is not less restrictive than the regulations of the primary zone.

35.28.110 - Reserved

35.28.120 - Flood Hazard Area (FA) Overlay Zone

- A. **Purpose and intent.** The Flood Hazard (FA) overlay zone is intended to promote public health, safety and welfare and to minimize public and private losses due to flood conditions in areas within the 100-year flood plain by alerting property owners that County Code Chapter 15A (Floodplain Management) applies

to their property, and avoiding the exposure of new development to flood hazards, minimizing the need for future flood control protective works and resulting alteration of stream and wetland environments. This overlay zone serves as a mechanism whereby members of the public and staff can easily identify areas of special flood hazard that are subject to County Code Chapter 15A (Floodplain Management).

B. Applicability. The requirements of this Section apply to special flood hazard areas as defined in County Code Chapter 15A (Floodplain Management).

1. **Additional standards.** Each land use shall comply with the requirements of the primary zone and "development" as defined in County Code Chapter 15A shall also comply with the additional requirements in Chapter 15A.
2. **Flood Hazard Overlay Map.** The Flood Hazard Overlay Map shall reflect the boundaries of special flood hazard areas as shown on the current Federal Emergency Management Agency (FEMA) maps on file with the County Public Works Flood Control and Water Agency (referred to in this Section as the "Flood Control Agency").
3. **Relationship to primary zone.** Each land use and proposed development within the FA overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. **Referral and determination.** Prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for all development subject to the FA overlay zone;
 - a. The applicant shall be referred to the Flood Control Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A.
 - b. The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

35.28.130 - Reserved

35.28.140 - Hazardous Waste Management Facility (HWMF) Overlay Zone

A. Purpose and intent. The Hazardous Waste Management Facility (HWMF) overlay zone provides a mechanism for the siting of off-site hazardous waste management facilities and is intended to ensure that the facilities are sited consistent with both the requirements of the Hazardous Waste Element of the Comprehensive Plan and the primary zone.

B. Applicability.

1. **Siting criteria.** A project on a site for which rezoning to the HWMF overlay zone has been initiated shall comply with all Hazardous Waste Element siting criteria.
2. **Relationship to primary zone.** Each land use and proposed development within the HWMF overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the regulations more protective of the public health and the environment shall control.

C. Permit and processing requirements. A Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to any development, including grading.

D. Permitted uses. The following land uses are allowed within the HWMF overlay zone in compliance with Subsection C. (Permit and processing requirements) above, in addition to the uses allowed by the primary zone:

1. Recycling facilities;
2. Residuals repositories;
3. Storage facilities;
4. Transfer station; and/or
5. Treatment facilities.

E. Facility location requirements. Treatment, recycling, transfer and storage facilities should be sited in Urban Areas as designated on the Comprehensive Plan maps unless they are needed in a Rural Area as designated on the Comprehensive Plan maps or the Commission finds that the facility or facilities cannot be located in an Urban Area. Residuals repositories shall not be sited in Urban Areas.

F. Development standards. Each hazardous waste facility shall be designed and constructed in compliance with the following standards.

1. **Buffer.** A buffer adequate to protect the public health and environmentally sensitive areas shall be established. The size and location of the buffer shall be based on a thorough assessment of risk to human health and the environment.
2. **Containment facilities.** Each facility shall be designed and constructed to contain spills, leaks, and other accidental releases of waste. Containment shall provide protection to air quality and surface and groundwater resources, and shall be based on a site characterization and geologic report.
3. **Public services.**
 - a. In Urban Areas as designated on the Comprehensive Plan maps, all facilities shall use public services.
 - b. In Rural Areas as designated on the Comprehensive Plan maps where public services are not available, private services for all facilities shall be adequately designed for capacity and environmental protection.
4. **Site security.** Each facility shall include measures for adequate site security.
5. **Visual compatibility.** Each facility shall be designed and constructed to be visually compatible with existing and anticipated surrounding land uses.
6. **Odor control.** No noxious odors associated with a hazardous waste facility shall be detectable at the property boundary.
7. **Noise.** The level of noise generated by the facility at the property boundary shall not exceed 65 db(A).
8. **Monitoring system.** A monitoring system to measure offsite impacts including but not limited to noise, odors, vibration and air and water quality degradation shall be in operation throughout the construction, operation, closure and post-closure of the facility.
9. **Outdoor lighting.** All outdoor lighting shall be shielded and no unobstructed beam of light shall shine off the premises. In addition, no lighting shall draw attention to the facility, and shall be an overall level and type compatible with surrounding uses.

G. Findings required Development Plan approval. In addition to the other findings required by this Development Code for the approval of Development Plans, no Development Plan for a hazardous waste management facility shall be approved unless the review authority also makes the findings in compliance with Subsection [35.82.080.E.7](#) (Additional findings required for Preliminary or Final Development Plans for sites within the Hazardous Waste Management Facility overlay zone).

35.28.150 - Highway 101 Corridor (HC) Overlay Zone

- A. Purpose and intent.** The Highway 101 Corridor (HC) overlay zone is applied to the Highway 101 corridor that includes areas of exceptional aesthetic, historic and natural value. Transportation improvements within the South Coast urbanized portions of the corridor may adversely impact these resources. This overlay zone is used to designate areas along Highway 101 in the South Coast urbanized area where unique public viewsheds, scenic, historic and natural assets and community character should be protected. The intent of this overlay is to ensure that development is designed and carried out in a manner that provides maximum protection, restoration and/or enhancement of the unique qualities of the corridor, and promotes multi-modal transportation.
- B. Applicability.** Each land use and proposed development within the State-owned right-of-way, within the County right-of-way, or on private land adjacent to Highway 101 for which a public agency has obtained an easement to carry out a project, shall comply with the requirements of this Section in addition to the requirements of the primary zone.
- C. Application requirements.** An application for development shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Development standards.** Each project within the HC overlay zone shall comply with the following development standards.
- 1. Design guidelines.** Each project shall comply with the *Highway 101 Corridor Design Guidelines* available upon request from the Department to the maximum extent feasible.
 - 2. Grading.** All grading shall be conducted in a manner that will maintain the existing profile of the Highway 101 Corridor, soften the appearance of the highway and its massive structures, preserve existing landscaping, and provide new landscaping.
 - 3. Highway crossing design.** Highway crossing design shall:
 - a. Accommodate automobiles, buses, and trucks, as well as promoting use by pedestrians and bicyclists;
 - b. Provide adequate space for large-scale landscaping to soften the bulk of transportation structures and provide continuity between structures and vegetation; and
 - c. Allow for movement of anadromous or other migratory fish species, including steelhead.
 - 4. Entries and exits.** Roadway intersections with highway on- and off-ramps shall provide safe crossings for both pedestrians and bicyclists. The following features shall be included:
 - a. Walkways, bikeways and/or multi-purpose trails, separated from vehicle lanes;
 - b. Minimum road widths and pedestrian islands to accommodate pedestrian and bicyclist crossings;
 - c. Passageway for the movement of anadromous or other migratory fish species, including steelhead, if applicable.
 - 5. Landscaping.**
 - a. Master Landscaping Plan.** Each project within the HC overlay zone shall be consistent with the *Highway 101 Corridor Master Landscaping Plan*, to be developed by the California Department of Transportation with community input and County approval, upon its adoption.
 - b. Drought-tolerant native species.** Drought-tolerant native species shall be utilized in landscape plans to the maximum extent feasible. Emphasis shall be placed on using a palette of native species and exotic species (if well adapted and non-invasive). Plants native to southern Santa Barbara County shall be used where they are naturally suited.
- ~~(4) — Coastal Zone. Within 100 feet of a wetland, within 50 feet of and within 50 feet from~~

~~either side of the top of bank of a creek or the existing edge of riparian vegetation, whichever is farther, or oak woodlands, landscaping shall consist only of native plants which are indigenous to the south coast of Santa Barbara County, selected on the basis of specific environmental conditions.~~

~~(21) **Inland area.**—~~Within 100 feet of riparian habitat, wetlands or oak woodlands, landscaping shall consist only of native plants which are indigenous to the south coast of Santa Barbara County, selected on the basis of specific environmental conditions.

~~(32) **Propagation of native species.**~~ Within the areas identified in Subsections b.(1) ~~and b.(2)~~ above, landscaping shall be propagated from locally collected plant materials (e.g. seeds and cuttings). Exception will be made where Eucalyptus trees are providing habitat for Monarch butterflies or raptors (refer to Goleta Community Plan - Southern Section, Environmentally Sensitive Habitats and Riparian Corridor Protection Overlay Map and Note on Eucalyptus in Appendix B of the Highway 101 Corridor Design Guidelines, available upon request from the Department).

c. Preservation of scenic and visual amenities. To the maximum extent feasible, all development, including expansions of Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities which exist along the affected transportation corridor, or to replace such landscaping with comparable scenic and visual amenities. To the extent feasible, the historic landscaping scheme shall be preserved and restored.

d. Median landscaping. Highway 101 Corridor projects shall include median landscaping to soften the concrete and asphalt expanse of the highway.

E. Application review and recommendation. Upon receipt of an application, the Department shall determine the potential of the proposed development to either adversely impact, or to enhance the visual and historical qualities of the area and the opportunity for multi-modal transportation, develop appropriate conditions of approval if necessary and forward its recommendations to the review authority.

F. Modifications. The review authority may grant modifications to the requirements of this Section when they are found infeasible due to safety or physical constraints.

35.28.160 - Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone

A. Purpose and intent.

1. The purpose of the Pedestrian Area - Old Town Orcutt (PA-OTO) overlay zone is to promote pedestrian activity with design standards that emphasize pedestrian safety and comfort, enhance on-street parking supplies, and foster pleasant development patterns along major street frontages in the downtown portion of Old Town Orcutt.
2. The intent is to maintain the existing mixture of residential and commercial uses, to preserve the character and architectural styles of the neighborhood areas, to encourage development patterns consistent with the historic character of Old Town Orcutt, and to foster a pedestrian oriented environment.

B. Applicability.

1. **Core Pedestrian Area.** The Core Pedestrian Area encourages future commercial and mixed use development in a pattern intended to mimic historic buildings by eliminating building coverage limitations, requiring buildings to be constructed to the front property line, and removing onsite commercial parking space requirements.
 - a. The pedestrian experience in this zone is enhanced with the provision of on-street diagonal parking, reduced pedestrian street crossing distances, and inviting sidewalks and property street frontages.

b. The Core Pedestrian Area is generally located on both sides of Clark Avenue from Broadway Avenue to State Highway 135, and on both sides of Broadway Avenue from Clark Avenue to Pinal Avenue.

2. **Peripheral Pedestrian Area.** The Peripheral Pedestrian Area is intended to provide a transition between the downtown commercial neighborhood (the Core Pedestrian Area) and adjacent residential and mixed use zones, while encouraging redevelopment through a reduction in the amount of required onsite parking for commercial uses.

a. The proximity of the Peripheral Pedestrian Area to the Core Pedestrian Area is designed to encourage pedestrians to walk between the two areas, as well as for both areas to benefit from enhanced on-street parking resources.

b. The Peripheral Pedestrian Area is generally located on the north side of Clark Avenue for the first block west of Broadway Avenue, and also between Pacific Street (on the east), the Core Pedestrian Area (on the west), Pinal Avenue (on the south), and Union Avenue (on the north).

3. **Relationship to primary zone.** Each land use and proposed development within the PA-OTO overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall take precedence.

C. Permit and processing requirements.

1. **Development Plan approval required.** A Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) and a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) is required for one or more structures that total 10,000 or more square feet in gross floor area, or where onsite structures and outdoor areas designated for sales or storage total 20,000 square feet or more.

2. **Design Review required.**

a. Prior to the issuance of any Land Use Permit for a structure, all plans for new or altered structures shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).

b. Subsection [35.82.070.C.2](#) (Special Provisions for Projects in the Jurisdictional Area of the North County Board of Architectural Review) shall apply to any required Design Review.

c. All plans for new or altered structures shall be determined to be in compliance with the Old Town Orcutt Design Guidelines

3. **Public Works Department review.** Prior to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for any structure, all plans for new or structures shall be reviewed by the Road Division of the Public Works Department for frontage improvement conditions in compliance with Subsection E (Dedication and access requirements) below.

D. Development standards.

1. **Setback requirements.**

a. **Residential uses only.** Setbacks for structures containing only residential uses shall be as required by [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#) for the OT-Residential zone.

b. **Commercial and residential uses.** Buildings and structures containing commercial or commercial and residential uses shall comply with the following setback requirements.

(1) **Front:** 10 percent of the depth of the lot, not to exceed 10 feet; at least 25 feet when abutting a lot zoned Old Town Residential (OT-R); except in the Core Pedestrian Area, where new buildings and structures containing commercial uses shall be constructed to

the front property line and no front setback shall be permitted. New development sited on lots with a grade change at the street frontage are allowed a front setback for the entrance portion of the structure, where necessary to construct elements to achieve compliance with ADA requirements for building access. Renovations to, additions to, or expansions of existing multi-family residential, mixed-use, and commercial development projects not resulting in an increase of 1,000 square feet or more than 10 percent of approved building coverage on site, shall be exempt from the specific front setback prohibition of the Core Pedestrian Area.

- (2) **Side:** None required.
- (3) **Rear:** 10 percent of the depth of the lot; except in the Core Pedestrian Area, where new structures containing commercial uses are not required to have a rear setback.

2. Building coverage.

- a. **Residential uses only.** Lot coverage for buildings and structures containing only residential uses shall be as required by [Section 35.26.040 \(Special Purpose Zones Development Standards\)](#) for the OT-Residential zone.
 - b. **Core Pedestrian Area.** In the Core Pedestrian Area there shall be no restriction on building coverage for buildings and structures containing uses other than exclusive residential uses.
 - c. **Peripheral Pedestrian Area.** In the Peripheral Pedestrian Area not more than 65 percent of the gross area shall be occupied by buildings and structures containing uses other than exclusive residential uses.
- 3. Parking.** Off street parking shall be provided as required by [Section 35.36.120 \(Standards for Mixed Use Zones and Uses\)](#).

E. Dedication and access requirements.

- 1. **Dedications and public improvements.** As a condition to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for any building or structure, the owner or their agent shall dedicate rights of way and engineer and construct street pavement, curbs, gutters, and sidewalks on the street frontage of the property that are determined by the Road Division of the Public Works Department to be reasonably related to the proposed use of the property.
- 2. **Street access limitations.**
 - a. **Core Pedestrian Area.** In the Core Pedestrian Area, no vehicular access to new multi-family residential, mixed-use, and commercial development projects shall be permitted via curb cuts and/or driveways on Clark Avenue and Broadway Avenue.
 - b. **Peripheral Pedestrian Area.** In the Peripheral Pedestrian Area, vehicular access to new multi-family residential, mixed-use, and commercial development projects via curb cuts and/or driveways on Clark Avenue and Broadway Avenue shall be avoided where feasible.

35.28.170 - Riparian Corridor - Goleta (RC-GOL) Overlay Zone

- A. Purpose and intent.** The Riparian Corridor - Goleta (RC-GOL) overlay zone is applied within rural areas designated Agriculture on the Comprehensive Plan maps for the Eastern Goleta Valley Community Plan area and the Goleta Community Plan area to protect and preserve mapped riparian corridors that could be easily disturbed or degraded by development and other human activities. This overlay recognizes the differing goals and policies of the Comprehensive Plan by providing riparian corridor protection requirements that are compatible with reasonable agricultural uses. The overlay is also intended to maintain a continuous canopy of trees along each riparian corridor, and protect the overall ecological integrity of the mapped stream system.
- B. Applicability.** This overlay may be applied only to inland area riparian corridors within Rural Areas that

are designated Agriculture by the Comprehensive Plan.

1. Determination of applicability.

- a. If, upon receipt of an application for grading or the removal of vegetation the Director determines that the site does not contain the pertinent species or habitat, the provisions of this overlay shall not apply.
- b. If the provisions of this overlay apply and the Director determines it necessary, a site inspection shall be conducted by a qualified biologist to be selected jointly by the Department and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the riparian corridor to the maximum extent feasible, consistent with the biological habitats goals, objectives, policies, development standards, and actions of the Eastern Goleta Valley Community Plan and the Goleta Community Plan.

2. Relationship to primary zone. Each land use and proposed development within the RC-GOL overlay shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

C. Permit and processing requirements.

1. Land Use Permit requirement. A Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) is required for the following types of grading or vegetation removal, in addition to the activities required to have a Land Use Permit by the primary zone.

- a. The removal of vegetation over an area greater than 20,000 square feet.
- b. The removal of a significant amount of vegetation along 100 linear feet or more of creek bank.
- c. The removal of vegetation that when added to the previous removal of vegetation within the affected habitat on a lot would total more than one acre or longer than 200 linear feet of creek bank.
- d. Grading in excess of 150 cubic yards.

2. Minor Conditional Use Permit requirement. A Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) is required where a significant amount of vegetation is proposed to be removed within an area that exceeds one acre or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.

D. Application requirements. A required application for any grading or vegetation removal shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

E. Findings required for permit approval. Prior to the approval of any permit for grading or vegetation removal within the RC-GOL overlay zone, the review authority shall first find that the proposed project complies with all applicable biological goals, objectives, policies, actions and development standards in the Eastern Goleta Valley Community Plan and the Goleta Community Plan.

F. Conditions of approval. A permit shall be conditioned to ensure consistency with the Eastern Goleta Valley Community Plan and the Goleta Community Plan.

1. The conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, and/or stage the work over time to ensure protection of the habitat.
2. The conditions may also include deed restrictions and resource protection easements. Any regulation of the primary zone specifying building height limits, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express condition in the permit to achieve the purposes of this overlay zone.

35.28.175 - Scenic Corridor - Mission Canyon (SC-MC) Overlay Zone

- A. Purpose and intent.** The purpose of the Scenic Corridor-Mission Canyon (SC-MC) overlay zone is to recognize and protect the special character, history, and visual resources of the gateway entrance to Mission Canyon along Mission Canyon Road. The intent is to maintain the existing historic stone walls and deep front setbacks from Mission Canyon Road, to encourage high quality of development for new structures and alterations of existing structures, and to ensure appropriate review of projects within the context of the historic setting.
- B. Applicability.** The Scenic Corridor - Mission Canyon (SC-MC) overlay zone applies to lots located generally adjacent to Mission Canyon Road between Mountain Drive and Foothill Road (State Route 192). The provisions of the overlay zone shall apply to any area designated as SC-MC on the Zoning Map.
- 1. Relationship to primary zone.** Each proposed land use and development within the SC-MC overlay zone shall comply with this subsection in addition to all applicable requirements of the primary zone.
 - 2. Permit and processing requirements.**
 - a. Plans for each new or altered structure that requires the approval of a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) within the SC-MC overlay zone shall be submitted for Design Review in compliance with [Section 35.82.070 \(Design Review\)](#). The Board of Architectural Review shall review the project plans within the context of the scenic and historical architectural setting, including Mission Santa Barbara, Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club) in conformance with [Section 35.82.070.F.8](#). (Additional Findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone).
 - b. In compliance with [Section 35.30.070 \(Fences and Walls\)](#), fences, gates, and walls located within 80 feet from road centerline or 55 feet from right-of-way that exceed 3.5 feet in height, and gateposts that exceed four feet in height, shall require a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
- C. Development standards.**
- 1. Setback requirements.** The primary and secondary front setbacks for any portion of a lot located adjacent to Mission Canyon Road shall be a minimum of 80 feet from road centerline and 55 feet from right-of-way.
 - a. This setback shall be applied to new structures, additions or alterations to existing structures, or structures that are demolished and rebuilt, unless:
 - (1) The minimum setback cannot be met without projecting into an environmentally sensitive habitat area, its buffer, or a known cultural or historical resource.
 - (2) The structure is a Santa Barbara County Landmark or the Director determines the structure qualifies as historically significant per the County’s Environmental Thresholds and Guidelines Manual, and meeting the SC-MC setback would substantially diminish the quality of the resource.
 - (3) The structure is being reconstructed in compliance with [Section 35.20.040.B.2.a](#) or [Section 35.101.030.B.1](#).
 - b. Structures qualifying under Subsections C.1.a.(1), C.1.a.(2) or C.1.a.(3), above, shall be subject to the setbacks of the primary zone.
 - 2. Detached accessory structures.** Detached accessory structures shall not be located closer than the principal dwelling to the primary and secondary front setbacks except as allowed in compliance

with Section 35.30.150.D.

3. Fences, gates, gateposts and walls.

- a. The character of historic stone walls and gateposts (comprised of stone masonry generally constructed between 1900 and 1940) shall be preserved and restored. Incompatible materials such as metal, chain link, wood, or plastic shall not be used as an addition to or directly in front of or behind historic stone walls and gateposts.
- b. Fences, gates, gateposts, and walls shall be designed and constructed of natural materials. Except as provided below, chain link or bamboo fences, gates, or gateposts, and plaster or stucco walls shall not be allowed within the primary and secondary front setback.
 - (1) The Board of Architectural Review may grant an exception to allow plaster or stucco walls and/or alternative materials for fences, gates, and gateposts in compliance with [Section 35.82.070.F.8.\(d\)](#) if granting the exception would enhance and promote better structural, visual, and/or architectural design.

35.28.180 - Reserved

35.28.190 - Reserved

35.28.200 - Reserved

35.28.210 - Community Plan Overlays

- A. **Overlay zones.** The boundaries of the Community or Area Plan overlay zones are established by the applicable Community Plan or [Area Plan](#) ~~area~~-maps.
- B. **Applicability of standards.** The Community Plan or ~~Plan~~-[Area Plan](#) standards [found within each Community Plan or Area Plan](#), ~~in Attachment 1 of this Development Code~~ and the following Subsections apply to subdivisions, development, and land uses within the boundaries of the applicable community or area ~~P~~plan in addition to all other applicable requirements of this Development Code. If a requirement of a community or area plan standard conflicts with another provision of this Development Code, the community or area ~~P~~plan standard shall control unless otherwise indicated.
- C. **Required findings.** In addition to any findings that are otherwise required by this Development Code for the approval of a permit for development, project approval within a community or area plan overlay zone shall require that the review authority also first find that the project complies with all applicable requirements of the applicable community or area plan.
- D. **Los Alamos Community Plan area.**
 1. All lots located within the Bell Street Commercial Core and Design Control Overlay shall be subject to Design Review in compliance with [Section 35.82.070](#).
- E. **Orcutt Community Plan area.**
 1. **Orcutt Pilot Program permitting procedure.** Development that would normally require the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall instead be approved in compliance with [Section 35.82.210 \(Zoning Clearance\)](#) provided that the development qualifies to be reviewed under the Zoning Clearance process as determined by the Orcutt Pilot Program Checklist (see Appendix ~~G-E~~- Orcutt Pilot Project Checklist) incorporated by herein by reference.
- F. **Santa Ynez Valley Community Plan area.**
 1. **Mixed Use – Santa Ynez Valley (MU-SYV) Overlay**
 - a. **Purpose and intent.** This Overlay is designed to generate additional opportunities for in-fill housing while simultaneously protecting the commercial viability and potential of the commercial area. Other goals include maintaining the pedestrian-oriented character of the

downtown areas, ensuring attractive and compatible architectural design of future projects, reducing regulatory barriers to mixed-use development and prohibiting uses that conflict with preserving the rural ambience of the townships of Santa Ynez and Los Olivos.

- b. Applicability.** The MU-SYV overlay may only be applied to properties located within the Santa Ynez Valley Community Plan area with a primary zone of C-1 or C-2 and located in an Urban Area as designated on the Comprehensive Plan maps. Each land use and proposed development within the MU-SYV overlay shall comply with all applicable requirements of the primary zone in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the requirements of this Section shall control.
- c. Prohibited uses.** The following uses are not allowed within the MU-SYV overlay either as a permitted or a conditionally permitted use:
- (1) Auto vehicle sales and rental.
 - (2) Building and landscape materials sales - Outdoor.
 - (3) Drive-through facility.
 - (4) Service station.
 - (5) Single room occupancy facility (SRO)
 - (6) Truck, trailer, construction, farm, heavy equipment sales/rental.
 - (7) Vehicle services.
 - (8) Laundry, dry cleaning plant utilizing perchloroethylene (PERC).
- d. Requirements for mixed use development.** The development of a site or structure with a combination of residential and commercial uses shall be restricted as follows:
- (1) **Ratio of commercial and residential uses.** To ensure the overall purpose and intent of the commercial district is maintained, gross floor area devoted to residential use shall not exceed 66 percent of total gross floor area.
 - (a) The approval of a Conditional Use Permit in compliance with [Section 35.82.060](#) is required for mixed use developments having a gross floor area devoted to residential use that is greater than 25 percent and less than or equal to 50 percent of the total gross floor area of the development.
 - (b) The approval of a Conditional Use Permit in compliance with [Section 35.82.060](#) is required for mixed use developments having a gross floor area devoted to residential use that is greater than 51 percent and less than or equal to 66 percent of the total gross floor area of the development. Additionally, the following criteria shall be met:
 - (i) The project site is located either on the periphery of the commercial core or is adjacent to an area zoned residential.
 - (ii) The applicant can demonstrate that development of the project site with gross floor area devoted to commercial use that exceeds 49 percent of the total gross floor area of the development is not viable due to the configuration of the project site (e.g., narrow street frontage).
 - (2) **Restriction to commercial uses.** If the project site has more than one street frontage, then the ground floor of the development adjacent to the street with the highest number of average daily traffic trips shall be restricted to commercial uses.
- e. Development standards.** The development standards of the primary zone shall apply to all

structures except as follows:

- (1) **Setbacks.** No front setback shall be required.
- (2) **Parking.**
 - (a) The required number of parking spaces for existing or proposed mixed-use development may be reduced up to 50 percent from the number of spaces required in compliance with [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#).
 - (b) The required number of parking spaces for residential uses shall be in compliance with [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#).
 - (c) The review authority may approve a reduction or waiver of the on-site parking requirement subject to first making one or more of the following findings:
 - (i) A shared parking agreement in a form approved by County Counsel is executed and recorded by the applicant and nearby property owner(s) within 1,000 feet of the MU-SYV overlay to accommodate the parking deficit.
 - (ii) The configuration of the project site does not allow for driveway access from the rear or side of the project site and would require installation of a driveway along a pedestrian-oriented stretch of sidewalk to the detriment of pedestrian safety or streetscape aesthetics.
 - (iii) A parking study has determined that adequate parking exists in either on the street or within public parking lots in the Mixed-Use Overlay District that will accommodate 80 percent of the peak parking demand generated by the project.
- (3) Prior to the issuance of any Land Use Permit for structures, all final plans of structures shall receive final approval by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#).

G. Summerland Community Plan area.

1. **Floor area limit.** Structures subject to this subsection shall not exceed the following maximum floor area limits.
 - a. **One-family dwellings.** All new one-family dwellings and additions to existing one-family dwellings are subject to the following standards:
 - (1) **Lots having a lot area (net) of less than 12,000 square feet.** On lots with a lot area (net) of less than 12,000 square feet, the net floor area of structures subject to this Subsection G.1.a shall be in compliance with the following Table 2-31 (One-family Dwelling Floor Area Limits). The net floor area shall not exceed the amount calculated using the FAR or the Maximum Allowable Square Footage per Lot Area, whichever is less.

Table 2-31 One-family Dwelling Floor Area Limits

Net Lot Area (square feet)	FAR	Maximum Allowable Net Floor Area per Lot Area (square feet)
2,500 or less	0.50	950
2,501 to 3,600	0.38	1,296
3,601 to 4,700	0.36	1,598
4,701 to 5,800	0.34	1,856
5,801 to 6,900	0.32	2,070
6,901 to 8,100	0.30	2,268
8,101 to 9,400	0.28	2,538
9,401 to 10,800	0.27	2,808
10,801 to 12,000	0.26	3,100

- (2) **Lots of 12,000 square feet and greater.** On lots with a lot area (net) of 12,000 square feet and greater, the net floor area of structures subject to this Subsection G.1.a shall not exceed 2,500 square feet plus five percent of the net lot area; however, in no case shall the net floor area exceed 8,000 square feet.
- (3) See Subsection G.1.b, below, for allowable adjustments to the maximum floor area.
- (4) **Accessory dwelling units.** The floor area limits enumerated above do not apply to proposed additions to an existing one-family dwelling provided the addition is located within the living area of an accessory dwelling unit approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).

b. Adjustments to maximum allowed floor area.

- (1) **Accessory structures (detached) on lots less than or equal to 10,000 square feet (net).** Except as provided in compliance with Subsection G.1.b.(1)(a), below, the cumulative gross floor area of all detached accessory structures located on a lot less than or equal to 10,000 square feet (net) shall not exceed 500 square feet.
 - (a) If the dwelling does not include an attached garage, then a detached garage used for the parking of motor vehicles no greater than 500 square feet of floor area (net) may also be allowed in addition to the cumulative floor area (gross) allowed in compliance with Subsection G.1.b.(1), above.
- (2) **Floor below grade.**
 - (a) The provisions of this subsection only apply to structures with two or more floors.
 - (b) The amount of floor area of a floor below grade that is included in the net floor area used to determine compliance with the maximum allowed floor area is calculated by multiplying “A” times “B” where:
 - (i) “A” equals the total floor area below grade as measured from the interior surfaces of exterior walls (see Figure 2-5), and
 - (ii) “B” equals the floor below grade adjustment which is the percentage of the total wall area of a floor below grade that is exposed (see Figure 2-46) which is determined by dividing the total exposed wall area by the total wall area.
 - (c) The height of the wall area used to determine the total wall area is measured from the finished floor of the floor below grade to the bottom of the floor joist supporting the floor above, however, only a maximum of 10 feet shall be used in calculating the total wall area.
 - (d) Except as provided in Subsection (2)(d)(i), below, the height of the exposed

exterior wall area used to determine the total exposed wall area is measured to the finished grade adjacent to the exterior wall.

- (i) If the grade adjacent to any exterior wall slopes downward, then the height of the exposed wall area shall be calculated from a point located six feet away from the exterior wall surface or at the property line if the property line is located within six feet of the exterior wall surface. This does not apply to the minimum drainage required to comply with building code requirements.

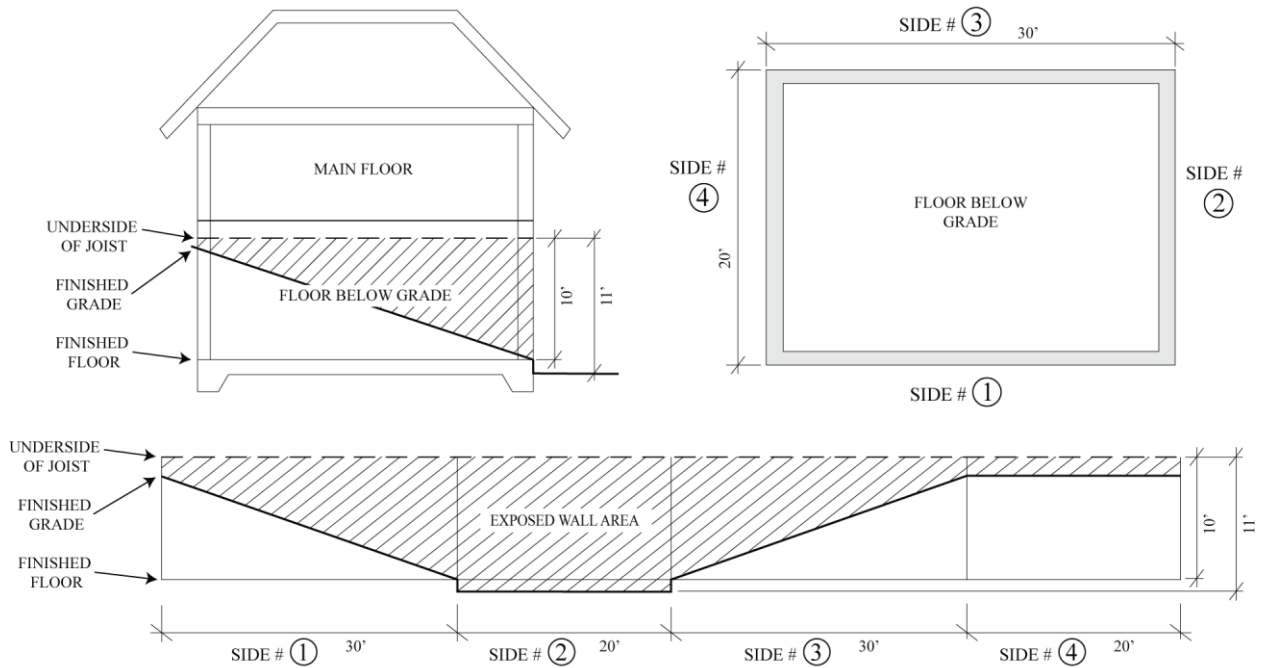


Figure 2-4 – Illustrative example for calculating the floor below grade adjustment

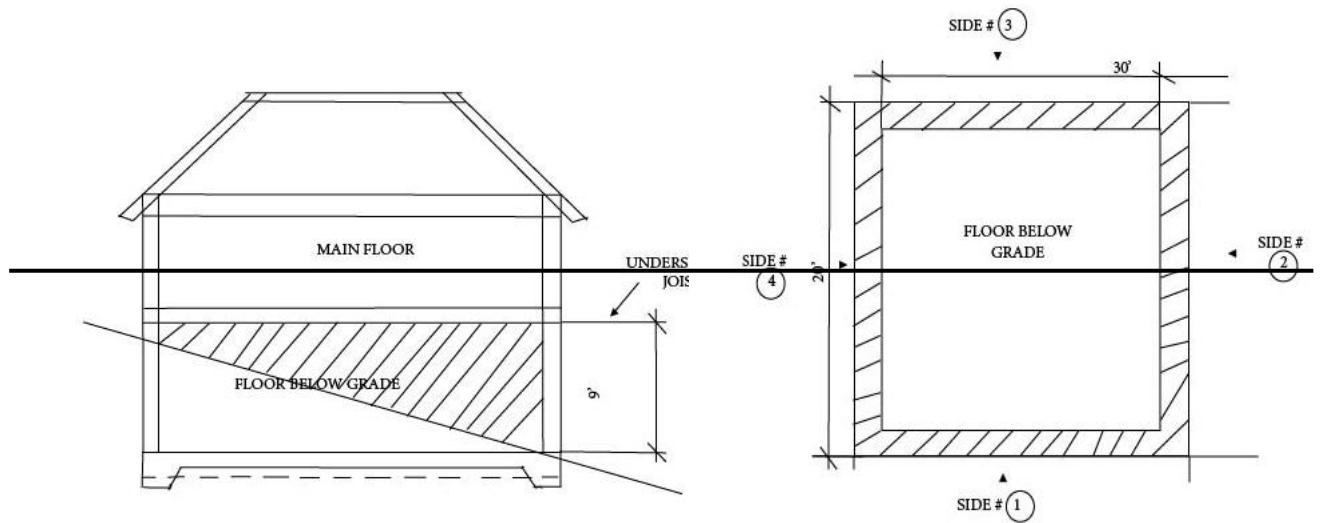


Figure 2-4

Figure 2-5

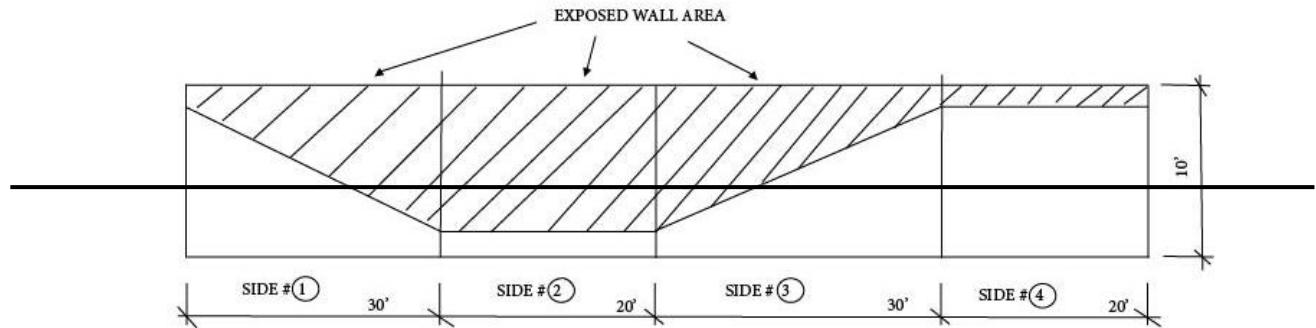


Figure 2-6

(3) **Garages attached to a dwelling.**

- (a) On lots with a lot area (net) of less than 12,000 square feet, up to 500 square feet per dwelling unit of floor area (net) used as an attached two-car garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with the FAR in Table 2-28 (One-family Dwelling Floor Area Limits), of Subsection G.1.a.(1), above.

Larger garages may be allowed, however, excess square footage will be counted toward the net floor area of the dwelling.

- (b) **Lots of 12,000 square feet (net) or greater.** On lots with a lot area (net) of 12,000 square feet or greater, up to 750 square feet of floor area (net) used as an attached garage for the parking of motor vehicles is not included in the net floor area used to determine compliance with Subsection G.1.a.(2), above.

- (4) **Accessory Dwelling Units.** Up to 300 square feet of floor area (net) devoted to an attached accessory dwelling unit is not included in the net floor area used to determine compliance with Subsection G.1, above.

- (5) **Transfer of floor area.** Up to one-half of the maximum allowed floor area of a principal dwelling may be transferred to an existing or new principal dwelling as follows:

- (a) **Elimination of potential subdivision.** The maximum allowed floor area on a lot that may be subdivided in compliance with the applicable zone in effect as of June 6, 2014 may be increased in compliance with the following and Subsection G.5(c), below:

- (i) A Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.
- (ii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed for a lot that is equal in size to the minimum lot size required in compliance with the applicable zone in effect as of June 6, 2014.

- (b) **Elimination of existing lot.** The maximum allowed floor area on a lot that cannot be subdivided in compliance with the applicable zone in effect as of June 6, 2014 may be increased in compliance with the following and Subsection G.5(c) below:

- (i) The lot is contiguous to a lot that cannot be subdivided in compliance with the applicable zone in effect as of June 6, 2014.

- (ii) A voluntary merger of the two lots and a Declaration of Restriction acceptable to the County shall be recorded by the property owner prior to the issuance of a building permit to eliminate the subdivision potential of the lot.
 - (iii) The increase in the maximum allowed floor area is limited to one-half of the maximum allowed floor area that would otherwise be allowed on either of the lots that are the subject of the voluntary merger.
 - (c) In no event shall the maximum allowed floor area as adjusted in compliance with Subsections G.5(a) or G.5(b) above exceed:
 - (i) 12,000 square feet on lots with a lot area (net) of less than 20 acres.
 - (ii) 15,000 square feet on lots with a lot area (net) of 20 acres or greater.
- c. **Existing structures that exceed the maximum allowed floor area.** An existing structure that exceeds the maximum allowed floor area (net) may be altered or reconstructed provided that the proposal complies with the Summerland Residential Design Guidelines in all other respects.

2. **Parking.**

- a. **Parking spaces required.** All new one-family dwellings approved after June 6, 2014 shall provide the following number of off-street parking spaces shown in Table 2-32 (Additional Parking Space Requirement), below, in addition to the number otherwise required by Chapter 35.36 (Parking and Loading Standards).

Table 2-32 Additional Parking-Space Requirement

Net Lot Area (square feet)	Additional off-street parking spaces
Less than 7,500	0
7,500 to 10,000	1
10,000 and greater	2

- (1) **Use of permeable materials.** Parking spaces shall be paved with permeable materials on a suitable base, including concrete pavers, turf block, and permeable asphalt, provided that such materials are consistent with the County Fire Department or applicable fire district minimum structural design standards for emergency access.
- (2) **Location.** Parking spaces shall be located outside of required setback areas for the lot, except that one parking space may be located within the front setback area provided the location is approved by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#).
- (3) **Configuration.** On lots of 10,000 square feet (net) or more in area, the additional parking spaces required in compliance with Table 2-32 (Additional Parking-Space Requirement) may be provided in a tandem arrangement with each other.

H. Toro Canyon Plan area.

- ~~1. **Avoidance of prime soils.** Within the Coastal Zone, in areas with prime agricultural soils, structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime soils to the maximum extent feasible.~~
- ~~2. **Lot re-configuration.** Within the Coastal Zone Land Divisions, Lot Line Adjustments and Conditional Certificates of Compliance shall be permitted if each lot being established could be developed without adversely impacting resources, consistent with Toro Canyon Plan policies and other applicable provision.~~
- 31. Development Standards.** All non-agricultural structures shall be in compliance with the following development standards:
 - a. Large understories and exposed retaining walls shall be minimized.
 - b. Building rake and ridgelines shall conform to or reflect the surrounding terrain.
 - c. Landscaping shall be used to integrate the structure into the site and its surroundings, and shall be compatible with the adjacent terrain.
 - d. The exterior surfaces of the structure, including water tanks, walls, and fences, use non-reflective building materials and colors shall be compatible with the surrounding terrain (including rock outcrops, soils, and vegetation). Where paints are used, they shall be non-reflective.
 - e. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and shall be visually softened with appropriate landscaping.
 - f. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon’s rural and semi-rural character.
 - g. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (See Figure 2-75) or the natural toe of the lowest cut slope (See Figure 2-86) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed 16 vertical feet. A project may be exempt from this standard if the Board of Architectural Review makes a written finding that:

- (1) The project furthers the intent of protecting hillsides and watersheds;
 - (2) The project enhances and promotes better structural and/or architectural design; and
 - (3) The project minimizes visual or aesthetic impacts.
- h. The visible portion of a retaining wall above finished grade shall not exceed a height of six feet. (See Figures 2-7-5 and 2-8-6). A project may be exempt from this standard if the Board of Architectural Review makes a written finding that:
- (1) The project furthers the intent of protecting hillsides and watersheds;
 - (2) The project enhances and promotes better structural and/or architectural design; and
 - (3) The project minimizes visual or aesthetic impacts.

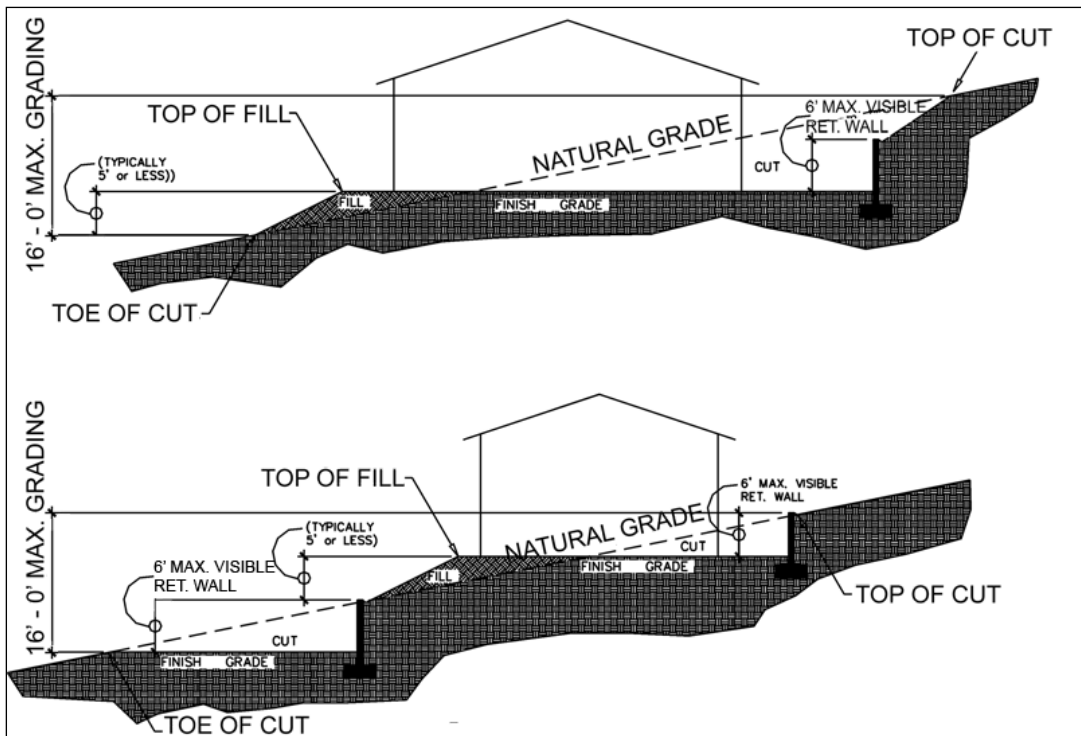


Figure 2-7-5 - Total height as measured from the natural toe of the lowest fill slope

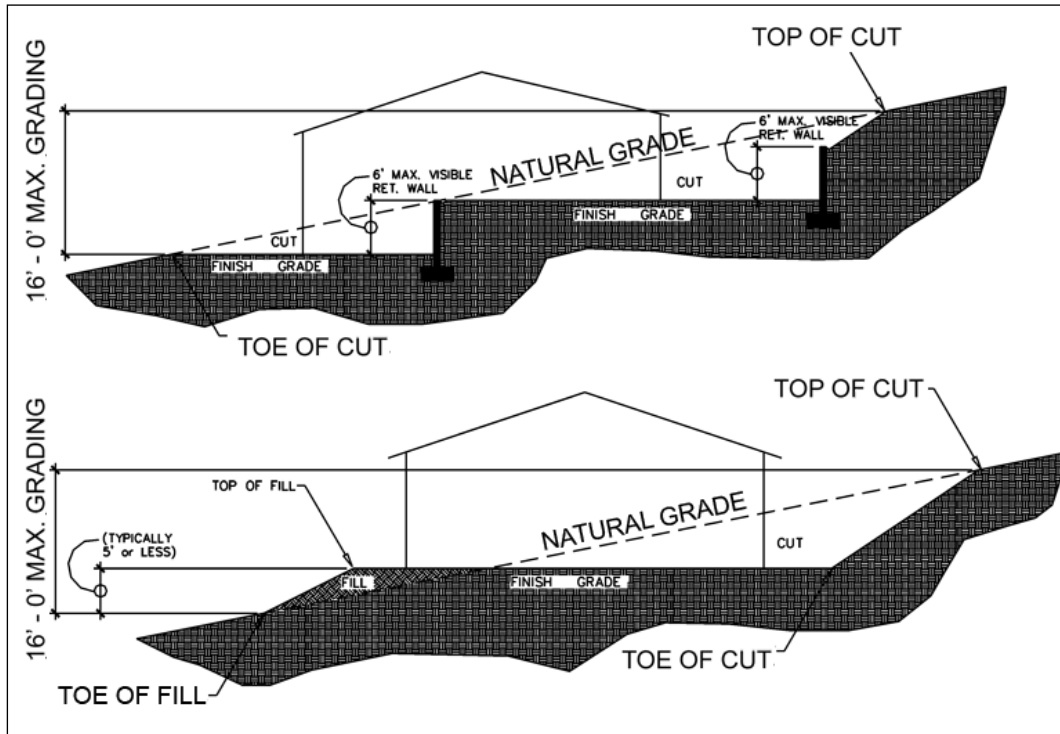


Figure 2-8-6 - Total height as measured from the natural toe of the lowest cut slope

I. Gaviota Coast Plan area.

1. Gaviota Coast Plan area land use incentive program.

- a. **Purpose and intent.** The purpose of the Gaviota Coast Plan area land use incentive program is to allow landowners within the Gaviota Coast Plan area on property zoned AG-II to develop additional dwelling units (i.e., incentive dwelling units) in exchange for taking actions that provide a demonstrated public benefit such as the provision of public trails. The intent is to implement the policies and development standards of Gaviota Coast Plan that seek to, through voluntary landowner action, provide a greater level of protection and enhancement of natural resources, support agricultural viability, and increase public access, throughout the Plan area while preserving the existing rural character of the Gaviota Coast.
- b. **Applicability.** The provisions of this Subsection I.1 (Gaviota Coast Plan area land use incentive program) only apply to property zoned AG-II and located within the Gaviota Coast Plan area.
- c. **Allowable density.** Incentive dwelling units shall not count toward the allowable density for purposes of determining consistency with the Comprehensive Plan and this Development Code.
- d. **Actions and eligible incentives.** Table 2-33 (Actions and Eligible Incentives), below, describes the voluntary actions a landowner may take and the benefits that may be derived from taking those actions, i.e., the issuance of a permit(s) for an incentive dwelling unit.

Table 2-33 - Actions and Eligible Incentives

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

- (1) Dedication of trail easements shall comply with the following:
 - (a) The easement shall be for the entire length of the trail that is located on the premises on which the incentive dwelling unit is proposed to be located.
 - (b) An irrevocable offer of dedication shall be recorded by the landowner prior to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210](#) for an incentive dwelling unit that may be allowed based on the dedication of a trail easement.
 - (i) Said offer shall include, at a minimum, a description of the purpose of the easement and a legal description of the proposed easement.
 - (ii) Said offer shall be subject to review and approval by the Department and the County Counsel.

e. Requirements and development standards for incentive dwelling units. All incentive dwelling units allowed in compliance with this Subsection I.1 (Gaviota Coast Plan area land use incentive program) shall comply with the following requirements and development standards. Where there are conflicts between the standards of this Subsection I.1.e, the standards in [Section 35.42.020 \(Accessory Structures and Uses\)](#), and the standards in the specific zone regulations (Article 35.2 Zones and allowable Land Uses), the provisions of this Section shall prevail unless indicated otherwise. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.

- (1) **Accessory to the principal dwelling.** The lot shall contain an existing one-family dwelling at the time an application for an incentive dwelling unit is submitted, or the application for the incentive dwelling unit shall be submitted in conjunction with the application for the principal dwelling. The incentive dwelling unit shall not be occupied before occupation of the principal dwelling.
- (2) **Amenities.** An incentive dwelling unit shall have a separate entrance and shall include permanent provisions for cooking, eating, living, sanitation and sleeping.
- (3) **Application requirements.** A permit application for an incentive dwelling unit shall include the following information in addition to that information required within [Chapter 35.80 \(Permit Application Filing and Processing\)](#):
 - (a) A floor plan drawn to scale of the principal dwelling and the incentive dwelling unit(s).
 - (b) Documentation verifying the principal dwelling is owner-occupied.
 - (c) The proposed method of water supply and sewage disposal for the incentive dwelling unit(s).

- (4) **Conversion of existing structures.** An existing, legal agricultural employee dwelling or guesthouse that was constructed prior to December 9, 2016 may be converted to an incentive dwelling unit.
- (a) An existing, legal agricultural employee dwelling that is converted to an incentive dwelling unit may be replaced with a new agricultural employee dwelling in compliance with [Section 35.42.030 \(Agricultural Employee Dwellings\)](#).
 - (b) An existing, legal guest house that is converted to an incentive dwelling unit may be replaced with a new guest house in compliance with [Section 35.42.150 \(Guesthouses, Artist Studios, and Cabañas\)](#) provided that there is no more than one guesthouse located on the premises.
 - (c) If the existing, legal agricultural employee dwelling or guest house that is proposed to be converted to an incentive dwelling unit is subject to a recorded Notice to Property Owner, then following the effective date of the required planning permit and prior to the use of the agricultural employee dwelling or guest house as an incentive dwelling unit the Department shall prepare and the property owner shall record a Notice to Property Owner that documents specific conditions and/or restrictions, if any, that apply to use of the structure as an incentive dwelling unit and supersedes the specific conditions and/or restrictions included in the previous Notice to Property Owner.
 - (d) A detached incentive dwelling unit that results from the conversion of an existing, legal agricultural employee dwelling may exceed the applicable maximum gross floor area limit provided no building additions or alterations shall be allowed that result in an increase in the gross floor area in excess of that which existed prior to December 9, 2016.
- (5) **Height limit.**
- (a) **Attached incentive dwelling units.** An attached incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the incentive dwelling unit. An exception to this height limit may be granted when the portion of a proposed incentive dwelling unit that would exceed this height limit is wholly contained within an existing structure.
 - (b) **Detached incentive dwelling units.** A detached incentive dwelling unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached incentive dwelling unit connected to a detached accessory structure may be permitted provided:
 - (i) The height of the incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the incentive dwelling unit, and
 - (ii) The height of the entire structure does not exceed 25 feet.
 - (c) **Locations within the CVC Overlay.** If the incentive dwelling unit is proposed to be located on a lot zoned with the CVC (Critical Viewshed Corridor) overlay zone and located south of Highway 101, then the height of the incentive dwelling unit shall not exceed 15 feet as measured in compliance with Subsections I.1.3.(5)

(a) and (b), above, unless an increase in height that complies with Subsections I.1.3.(5) (a) and (b), above, is approved by the Board of Architectural Review in compliance with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay).

(6) Location of detached incentive dwelling unit. A detached incentive dwelling unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone. Additionally, except for the conversion of agricultural employee dwellings and guest houses allowed in compliance with Subsection I.1.e.(4), above, that existed prior to December 9, 2016, detached incentive dwelling units shall be clustered with the principal dwelling unit.

- (a) For the purposes of this Subsection I.1.e.(6), clustered means the principal dwelling unit and the detached incentive dwelling unit, including all structures accessory thereto, shall be located within a single continuous building envelope.
- (b) The clustered building envelope shall minimize "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.

(7) Maximum and minimum gross floor area requirements.

(a) Maximum gross floor area.

- (i) **Attached incentive dwelling units.** The maximum gross floor area of attached incentive dwelling units shall not exceed 1,200 square feet.
- (ii) **Detached incentive dwelling units.** Unless allowed in compliance with Subsection I.1.e.(4)(d), above, the maximum gross floor area of a detached incentive dwelling unit shall not exceed the standards for the specified gross lot area shown in Table 2-34 (Maximum Gross Floor Area Gaviota Coast Plan Area) below.

Table 2-34 - Maximum Gross Floor Area Gaviota Coast Plan Area

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

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

(8) Maximum number of incentive dwelling units.

- (a) A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 1 in Table 2-33 (Actions and Eligible Incentives), above.
- (b) A maximum of one attached incentive dwelling unit or one detached incentive

dwelling unit may be allowed on a premises that qualifies under Category 2 in Table 2-33 (Actions and Eligible Incentives), above.

- (c) In no case shall more than two incentive dwelling units be approved on a premises that has both coastal trail primary and secondary routes depicted on the PRT maps.

(9) Parking requirements. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the incentive dwelling unit is located on for each sleeping room in the incentive dwelling unit. The additional parking shall be provided as specified in the base zone and in [Chapter 35.36 \(Parking and Loading Standards\)](#).

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

(11) Private and public services.

- (a) Where public water service is available, an incentive dwelling unit shall be required to be served by the appropriate district.

(i) If the principal dwelling is currently served by a public water district or mutual water company, not subject to moratorium for new connections, then an incentive dwelling unit shall also be served by the appropriate public water district or mutual water company.

(ii) If the principal dwelling is currently served by a water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and if the property is not located in an overdrafted water basin, then an incentive dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.

- (b) Where public sewer service is available, an incentive dwelling unit shall be required to be served by the appropriate district.

(i) For the purposes of this Subsection I.1.e.(11)(b), public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)

- (c) An incentive dwelling unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

(12) Residency of lot owner.

- (a) The owner of the lot (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) shall reside on said lot, in either the principal dwelling or in an incentive dwelling unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance

of a Land Use Permit in compliance [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.

- (b) Upon transfer of ownership of the property, the new owner shall reside on the property or the use of a structure or portion thereof as an incentive dwelling unit shall be discontinued and the structure shall be:
 - (1) If attached to the principal dwelling, converted into a portion of the principal dwelling; or,
 - (2) If it is a detached structure, removed or converted into a legal accessory structure.

(13) Sale and subdivision.

- (a) An incentive dwelling unit shall not be financed, sold or transferred separately from the principal dwelling.
- (b) Upon approval of an incentive dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 - (i) The Comprehensive Plan including the Gaviota Coast Plan designation.
 - (ii) This Development Code including Article 35.2 (Zones and Allowable Land Uses).
 - (iii) Subsection I.1.e.(11)(c), above, if an incentive dwelling unit is proposed to be served by an onsite wastewater treatment system following the subdivision.

f. Additional findings. In addition to the findings required in compliance [Section 35.82.110 \(Land Use Permits\)](#), before the approval of a permit for a detached incentive dwelling unit the Director shall make all of the following findings:

- (1) The incentive dwelling unit is incidental and subordinate to the primary agricultural use of the lot.
- (2) The incentive dwelling unit does not adversely affect the onsite or adjacent agricultural operations.
- (3) The incentive dwelling unit is compatible with and does not substantially alter the rural, agricultural character of the area.

2. Gaviota Coast Plan area air quality disclosure statement. Prior to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for residential developments that are located within 500 feet of Highway 101, a Notice to Property Owner shall be required to be recorded by the property owner that provides an Air Quality Disclosure Statement to potential buyers of the property. The Air Quality Disclosure Statement shall summarize the results of technical studies that reflect a health concern resulting from the exposure of children to air quality emissions generated within 500 feet of Highway 101.

ARTICLE 35.3

Site Planning and Other Project Standards

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CHAPTER 35.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 35.30.010 - Purpose
- 35.30.020 - Applicability
- 35.30.025 - Agricultural Buffers
- 35.30.030 - Bikeways
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- 35.30.060 - Design Compatibility Standards
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- 35.30.120 - Outdoor Lighting
- 35.30.130 - Performance Standards
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- 35.30.150 - Setback Requirements and Exceptions
- 35.30.160 - Solar Energy Systems
- 35.30.170 - Solid Waste and Recycling Storage Facilities
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- 35.30.190 - Subdivisions, Lot Size

35.30.010 - Purpose

This Article expands upon the standards of [Article 35.2 \(Zones and Allowable Land Uses\)](#) by addressing the details of site planning and project design. These standards are intended to ensure that all development:

- A. Produces an environment of stable and desirable character;
- B. Is compatible with existing and future development; and
- C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan.

35.30.020 - Applicability

The requirements of this Article shall apply to all proposed development and new land uses, except as specified in [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#) and shall be considered in combination with the standards for the applicable zone in [Article 35.2 \(Zones and Allowable Land Uses\)](#) and those in [Article 35.4 \(Standards for Specific Land Uses\)](#). If there is a conflict, the standards in [Article 35.4 \(Standards for Specific Land Uses\)](#) shall control.

35.30.025 - Agricultural Buffers

- A. **Purpose and intent.** The purpose of agricultural buffers is to implement adopted Comprehensive Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive weeds).

B. Applicability. This Section applies to all discretionary applications for non-agricultural development and uses (project) which satisfy all of the following criteria:

1. The project site is located within an Urban or Inner-Rural Area, or an Existing Developed Rural Neighborhood, as designated on the Comprehensive Plan maps; or located on property zoned industrial that is located in the Rural Areas as designated on the Comprehensive Plan maps.
2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Comprehensive Plan maps, and
 - (1) Has an agricultural zone designation as identified in Section 35.014.020 (Zoning Map and Zones) ~~or Section 35-52 (Zoning District Designations and Applicability) of Article H, the Santa Barbara Coastal Zoning Ordinance~~ or Article V of Ordinance No. 661, excluding state or federally owned land, or
 - (2) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

C. Exceptions. This Section does not apply to the following:

1. Single-family dwelling, accessory dwelling units and residential accessory structures.
2. Agricultural employee dwellings approved in compliance with Section 35.42.030 (Agricultural Employee Dwellings) and farmworker housing approved in compliance with Section 35.42.135 (Farmworker Housing).
3. Non-agricultural, discretionary development approved prior to May 9, 2013.
4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.84.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.30.110.B.3.c.

D. Agricultural buffer requirements. All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.

1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following Table 3-1 (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following Table 3-1 (Range of Agricultural Buffer Widths). If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:

- a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent; and
- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the Agricultural Buffer Implementation Guidelines (Appendix **IG**) for guidance.

Table 3-1 - Range of Agricultural Buffer Widths

Project Land Use or Zoning	Project Location	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150
Sensitive Non-agricultural Uses	Adjacent to production agriculture	300	400
	Adjacent to rangeland or pastureland	100	150

- 2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the non-agricultural project is proposed.
 - b. Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.
- 3. **Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of said common lot line.
- 4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural buffer width), above. See the Agricultural Buffer Implementation Guidelines (Appendix **IG**) for guidance in determining the appropriate agricultural buffer width.
 - a. **Site specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - (1) Crop type/agricultural practices.
 - (2) Elevation differences and topography.
 - (3) Extent and location of existing non-agricultural development.
 - (4) Location of existing roads or naturally occurring barriers.
 - (5) Historical land use on the agricultural lot.
 - (6) Future farming potential of the agricultural lot.
 - (7) Site design of the non-agricultural proposal.
 - (8) Non-agricultural lot size/configuration.

- (9) Prevailing wind direction.
- b. Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it may be adjusted in compliance with Subsection D.4.a (Site-specific factors). See Subsection F.3 for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix **IG**) for guidance.
- c. Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot, provided:
- (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
 - (2) The physical feature or easement precludes any kind of agricultural use and be located adjacent to the non-agricultural project site.
- 5. Comprehensive Plan consistency.** Where Comprehensive Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.
- 6. Reasonable use.** This Section is not intended, and shall not be construed as authorizing the review authority acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Development Code.
- 7. Buffer recordation.**
- a. Notice to Property Owner required.** Prior to the approval of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearance\)](#) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this [Section 35.30.025](#). Said Notice shall include:
- (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (2) The uses that are allowed within the agricultural buffer in compliance with [Section 35.30.025.E \(Allowable uses within agricultural buffers\)](#).
 - (3) The Landscape, Lighting and Irrigation Plan in compliance with [Section 35.30.025.F \(Agricultural buffer Landscape, Lighting and Irrigation Plan requirements\)](#).
 - (4) The Maintenance Plan in compliance with [Section 35.30.025.G \(Agricultural buffer maintenance requirements\)](#).
- b.** The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.
- E. Allowable uses within agricultural buffers.** The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix **IG**) for information on the purpose and intent of restricting uses

within agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.

1. **Unrestricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:
 - a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - b. Fences and walls.
 - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - d. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#), or
 - (2) Operated in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
 - e. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - f. Signs.
 - g. Solar energy systems permitted in compliance with [Section 35.30.160 \(Solar Energy Systems\)](#).
 - h. Telecommunication facilities permitted in compliance with [Chapter 35.44 \(Telecommunication Facilities\)](#).
 - i. Utility lines and facilities.
 - j. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of May 10, 2013 provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
2. **Restricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
 - a. Industrial or commercial loading docks and rear service areas.
 - b. Landscaping and vegetative screening.
 - c. Lighting.
 - d. Non-habitable structures such as those used for storage.
 - e. Parking areas including carports and garages.
 - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
 - g. Roads and transportation infrastructure.
3. **Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.

4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the Development Code.
5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.

1. A Landscape, Lighting and Irrigation Plan (Plan) shall be required for all agricultural buffers. The Plan shall:
 - a. Graphically depict and label the agricultural buffer.
 - b. Graphically depict and label the following elements within the agricultural buffer:
 - (1) Erosion control measures.
 - (2) Hardscape.
 - (3) Irrigation systems.
 - (4) Landscaping, vegetation, and materials.
 - (5) Lighting.
 - c. Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.
 - d. Incorporate a fence or other barrier that complies with the Development Code, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land.
 - e. Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.
 - f. Be compatible with the surrounding land uses and rural character of the agricultural area.
2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.
 - b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants shall be fire resistant and drought- tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:
 - a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
 - b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
 - c. The minimum height of trees at maturity shall be 15 feet.
 - d. The vegetative screen shall be at least 25 feet deep.

4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

G. Agricultural buffer maintenance requirements.

1. A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:
 - a. Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.
 - b. Include provisions for removing weeds, trash and debris.
 - c. Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.
 - d. Be consistent with the requirements in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).
 - e. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the review authority, upon application for permit revision in compliance with Division 35.8, (Planning Permit Procedures), may remove agricultural buffer requirements originally required in compliance with this Section.

I. Findings. In addition to other findings that may be required, the review authority shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:

1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

35.30.030 - Bikeways

~~Within the Inland area, b~~ Bikeways shall be provided where determined by the review authority to be appropriate and feasible for recreational and commuting use.

35.30.040 - Reserved

35.30.050 - Density

- A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.
- B. Density may be increased for an affordable housing project in compliance with Housing Element policies; ~~provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.~~

35.30.060 - Design Compatibility Standards

- A. Rural.** Within Rural areas as designated on the Comprehensive Plan maps, the height, scale, and design of each structure shall be compatible with the character of the surrounding natural environment, as determined by the review authority, except where the review authority determines that technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- B. Urban and Existing Developed Rural Neighborhoods.** Within Urban areas and Existing Developed Rural Neighborhoods (~~Inland area~~) or Rural Neighborhoods (~~Coastal Zone~~) as designated on the Comprehensive Plan maps, new structures shall conform with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

35.30.070 - Fences and Walls

- A. Purpose.** This Section provides regulations for the installation, construction, and placement of fences. For the purposes of this Section, the term "fence" includes fences, walls, gates, gateposts, and other structures in the nature of a fence, except where any of these are specifically identified and separately regulated by this Section.
- B. Measurement of fence height.** Fence height shall be measured as the vertical distance between the natural grade at the base of the lower side of the fence, and the top edge of the fence material. See Figure 3-1 (Measurement of Fence Height) below.

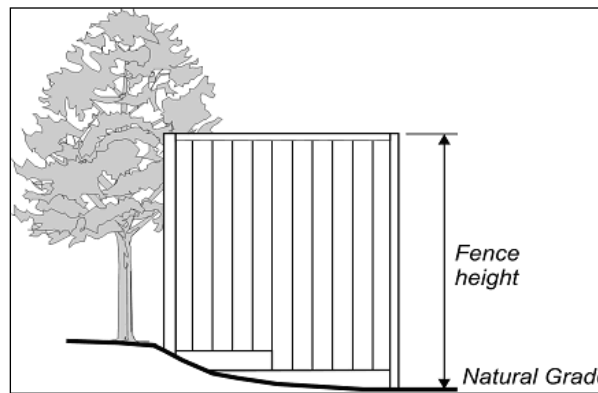


Figure 3-1 - Measurement of Fence Height

- C. Height limits and permit requirements.** Each fence shall comply with following the height limits and permit requirements. In no case shall the height of the fence exceed the height limit established for the applicable zone by [Article 35.2 \(Zones and Allowable Land Uses\)](#). Additionally, a fence on a corner lot shall comply with the vision clearance requirements in [Section 35.30.090 \(Height Measurement and Exceptions and Limitations\)](#).
- 1. Non-Agricultural zones.** Each fence shall comply with the height limits and permit requirements in Table 3-2 below.
 - 2. Agricultural zones.** Each fence shall comply with the height limits and permit requirements in Table 3-3 below.
 - a. Entrance gates, AG-II zone, ~~Inland area~~.** In addition to fences allowed in compliance with Table 3-3 below, on property zoned AG-II and located in the ~~Inland area~~, entrance gates that comply with the following are exempt from planning permits and may be located within

required setback areas. Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#).

- (1) The height of the gateposts including any cross member, signage, and/or ornamentation, does not exceed 18 feet in height as measured from the ground level at the bottom of the gateposts to the top of the gatepost, cross member, signage, and/or ornamentation.
- (2) The portion of each gatepost taller than eight feet if located in the front setback, or 10 feet in all other locations, does not exceed two feet in width.
- (3) The cross member does not exceed two feet in height and thickness.
- (4) Lighting associated with the entrance gate, gateposts, and cross member shall be for safety purposes only and shall comply with the following requirements. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
- (5) Ornamentation that is appurtenant to the entrance gate, gateposts, and cross member shall be in compliance with the following:
 - (a) The size and scale of any ornamentation shall be secondary to the entrance gate.
- (6) Signs that are allowed in agricultural zones in compliance with Chapter 35.38 (Sign Standards) may be affixed to the entrance gate, gateposts, and cross member provided that the size and scale of any signs shall be secondary to the entrance gate, gateposts, and cross member.
- (7) In addition to the development standards listed above, all development associated with the construction of the entrance gate, gateposts, or cross member shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - (b) Native woodlands and forests.
 - (c) Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.
 - (i) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of “rare” in Section 15380 of California Environmental Quality Act.
 - (ii) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100-foot separation may not fully protect known breeding ponds for California Tiger Salamander).

- (d) Plant communities known to contain rare, endangered, or threatened species.
 - (e) Streams, riparian areas, vernal pools, and wetlands.
 - (f) Any designated Environmental Sensitive Habitat Areas.
3. **Exception to height limits.** A maximum of 10 percent of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit in Subsections C.1 (Non-Agricultural zones) or C.2 (Agricultural zones) above, where the review authority first determines that topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
 4. **Retaining wall exemption.** A retaining wall (retaining earth only) that is not over four feet in height measured from the bottom of a footing to the top of the wall, and does not require a Grading Permit in compliance with County Code Chapter 14 is exempt from ~~Coastal Development Permit or Land Use Permit requirements except when located within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or within an Environmentally Sensitive Habitat area located in the Coastal Zone.~~
 5. **Naples Townsite zone.** All fences located on a lot zoned Naples Townsite shall be in compliance with the fencing plan component of the Final Development Plan in effect for the subject lot.

**Table 3-2 - Fence, Gate, Gatepost, and Wall Height and Permit Requirements
In All Zones Except In Agricultural Zones**

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)	Coastal Development or Land Use Permit Required	Minor Conditional Use Permit Required (21)
Within required front setback	Fence, gate, or wall 6 ft or less in height; gatepost 8 ft or less in height (32)	Not Applicable (43)	Fence more than 6 ft high; gatepost more than 8 ft high
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not Applicable	Fence more than 6 ft high; gatepost more than 8 ft high
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- ~~(1) Within the Coastal Zone, fences shall be exempt only if the development will:

 - a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.
 If the fence does not meet the preceding criteria for an exemption, then a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.~~
- ~~(21) Within the Naples Townsite zone, additional height may not be allowed with a Minor Conditional Use Permit.~~
- ~~(32) Mission Canyon Plan area - Within the Mission Canyon Plan area, only fences, gates, and walls 3.5 feet or less in height, and gateposts four feet or less in height, are exempt from a planning permit.~~
- ~~(43) Mission Canyon Plan area - Within the Mission Canyon Plan area, fences, gates, and walls greater than 3.5 feet in height, and gateposts greater than four feet in height, require the issuance of a Land Use Permit.~~

Table 3-3 Fence Height and Permit Requirements in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)-(2)	Land Use or Coastal Development Permit Required (2) (21)	Minor Conditional Use Permit Required
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- ~~(1) Within the Coastal Zone, fences shall be exempt only if the development will:~~
 - ~~a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff; and~~
 - ~~b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and~~
 - ~~c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

- ~~(2) See Subsection C.2.a regarding entrance gates on property zoned AG-II located in the Inland area.~~

35.30.080 - Flood Hazard Development Standards

- A. Purpose.** The intent of the Flood Hazard development standards is to avoid exposing new development to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.
- B. Development within floodway.** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway, as determined by the County Public Works Department, unless off-setting improvements in accordance with Housing and Urban Development regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, providing creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in County Code Chapter 15A (Floodplain Management).
- C. Permitted development limitations.** Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, such as dams, stream channelizations, etc.

35.30.090 - Height Measurement, Exceptions and Limitations

- A. Purpose.** This Section describes the required methods for measuring the height of structures to determine compliance with the height limits established by this Development Code, and provides exceptions to those height limits.
- B. Height limit of structures.** The height of each structure shall not exceed the applicable height limit established for the applicable zone by [Article 35.2 \(Zones and Allowable Land Uses\)](#), and/or other requirements of this Development Code, except as otherwise provided by this Section and this Development Code.
- C. Height measurement.** The following methodology shall be used to determine the height of a structure.

Additionally, Subsections D. through ~~K.J.~~ below, provide or reference additional specific height measurement criteria and exemptions for specific types of development.

1. **Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade ~~except as provided in Subsection C.1.a below.~~ The height of any structure shall not exceed the applicable height limit except as provided in Subsections D. through ~~K.J.~~ below. See Figure 3-2 (Height Limit).

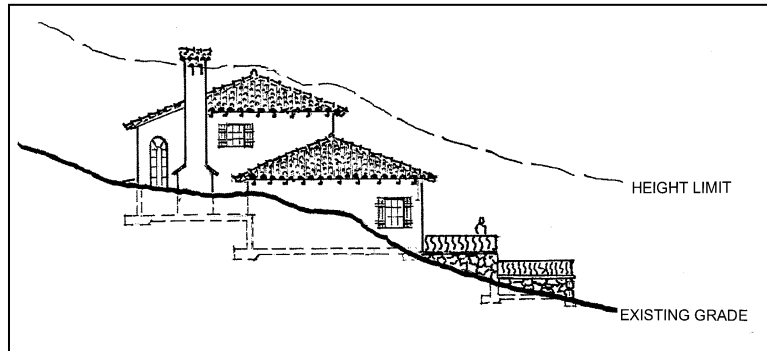


Figure 3-2 - Height Limit

2. **Maximum height in ridgeline/hillside locations.** In addition to the height limit applicable to a structure as described in Subsection C.1 (Height of structures) above, a structure subject to [Chapter 35.62 \(Ridgeline and Hillside Development\)](#) shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower.
 - a. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower.
 - b. This 32-foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater. See Figure 3-3 (Maximum Height).

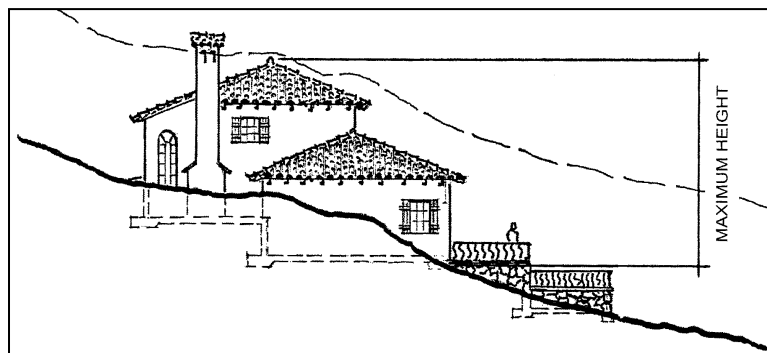


Figure 3-3 - Maximum Height

D. General height limit exceptions. The height of a structure may exceed the applicable height limit in compliance with the following:

1. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zones where the excess height is not prohibited by [Section 35.28.060 \(Airport Approach Overlay\)](#) or [Section 35.28.200 \(View Corridor Overlay\)](#). The use of towers or similar structures to provide

higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

2. Portions of a structure may exceed the applicable height limit by no more than three feet where the roof exhibits a pitch of four in 12 (rise to run) or greater.
3. In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
4. Allowances for exceeding the applicable height limit in compliance with Subsections D.2 through D.3 above, are not cumulative.

E. Exemptions for specific structures and equipment. The following structures and equipment may exceed the applicable height limit as provided below where the excess height is not prohibited by [Section 35.28.060 \(Airport Approach Overlay\)](#).

1. Coastal Zone only.

~~a. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, allowed in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities), or to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006), may exceed the applicable height limit for a period of four years or less, provided the temporary use is completed in a diligent manner.~~

~~(1) Upon written request by the operator, the Director may grant up to two one year extensions, provided that the operator is diligent in completing an established drilling program.~~

2. Coastal Zone and Inland area.

a1. Amine columns, distillation columns, stripper columns, and flare stacks associated with gas processing, oil and gas production, or oil and gas transportation allowed in compliance with [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#) may exceed the applicable height limit where compliance would render such facilities technically infeasible.

b2. Workover/pulling rigs necessary to service oil, gas and injection wells may exceed the applicable height limit, provided that the use of these rigs is completed in a diligent manner.

~~(1) Within the Coastal Zone, this includes workover/pulling rigs necessary to operate the La Goleta gas storage reservoir (located on Assessor's Parcel Number 071-210-001, as of June 30, 2006).~~

~~e. Small Wind Energy Facilities. See Chapter 35.57 (Wind Energy Conversion Systems) height limits for Small Wind Energy Facilities.~~

~~(1) Subsection 35.30.090.E.2.c of this Development Code shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.~~

3. Inland area only.

a3. Silos used to store and load concrete ready-mix in the M-1 zone may exceed applicable height limits where compliance would render operations technically infeasible.

b4. Structures and equipment associated with facilities in the M-2 zone may exceed applicable height limits where compliance would render operations technically infeasible.

e5. Temporary drilling rigs necessary to explore for and develop oil and gas reservoirs, or to inject gas or fluids into subsurface reservoirs, allowed in compliance with [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).

35.30.100 - Infrastructure, Services, Utilities and Related Facilities

- A. Adequacy of infrastructure required.** Issuance of a Coastal Development Permit (Section 35.82.050) or a Land Use Permit (Section 35.82.110) or Zoning Clearance (Section 35.82.210) shall require that the review authority first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve a proposed development.
- B. Applicant responsibilities.** The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of a project or reduction in the density otherwise indicated in the Comprehensive Plan or zoning maps.
- C. General requirement for water and sewer services.** Within Urban areas designated on the Comprehensive Plan maps, new development other than that for agricultural purposes shall be served by the appropriate public sewer and water district or an existing mutual water company, if such service is available.
- ~~**D. Services, utilities and related facilities within the Coastal Zone.** The following standards apply to development within the Coastal Zone, in addition to those in Subsections A. through C. above.~~
- ~~**1. Electrical transmission lines.**~~
- ~~**a. Protection of viewshed and resources.** Transmission line rights of way shall be routed to minimize impacts on the viewshed, especially in scenic rural areas, and to avoid locations that are on or near archaeological, habitat, or recreational resources, whenever feasible.~~
- ~~**b. Vegetation.** Grading, scarring, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.~~
- ~~**c. Undergrounding.** In important scenic areas, where above ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible, unless it can be shown, to the satisfaction of the review authority, that other alternatives are less environmentally damaging.~~
- ~~**d. Compatibility.** When aboveground facilities are necessary, color and design of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow.~~
- ~~**2. Utility Lines.**~~
- ~~**a.** Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.~~
- ~~**b.** Annexation of rural areas to a sanitary district or extensions of sewer lines into rural areas as designated on the Coastal Land Use Plan maps shall not be permitted unless required to prevent adverse impacts on an environmentally sensitive habitat, to protect public health, or as a logical extension of services.~~
- ~~**c.** Water, gas, sewer, or electrical transmission and distribution lines which cross fault lines shall be subject to additional safety standards, including emergency shutoff where applicable, in accordance with appropriate California Public Utilities Commission regulations.~~
- ~~**3. Water wells, public and private water and sanitary services.**~~
- ~~**a.** The long term integrity of groundwater basins or sub-basins located wholly within the Coastal Zone shall be protected. To this end, the safe yield as determined by competent hydrologic evidence of such a groundwater basin or sub-basin shall not be exceeded except on a~~

~~temporary basis as part of a conjunctive use or other program managed by the appropriate water district. If the safe yield of a groundwater basin or sub-basin is found to be exceeded for reasons other than a conjunctive use program, new development, including land division and any other use dependent upon private wells, shall not be permitted if the net increase in water demand for the development causes basin safe yield to be exceeded, but in no case shall any existing lawful lot be denied development of one one family residence. This standard shall not apply to appropriators or overlying property owners who wish to develop their property using water to which they are legally entitled pursuant to an adjudication of their water rights.~~

~~b. In the furtherance of better water management, the County may require applicants to install meters on private wells and to maintain records of well extractions for use by the appropriate water district.~~

~~c. Water conserving devices shall be used in all new development.~~

~~d. Where affordable housing projects proposed pursuant to the Affordable Housing Overlay regulation, special needs housing projects or other affordable housing projects which include at least 50 percent of the total number of units for affordable housing or 30 percent of the total number of units affordable at the very low income level are to be served by entities that require can and will serve letters, such projects shall be presumed to be consistent with the water and sewer service requirements of this Section if the projects have, or are conditioned to obtain, all necessary can and will serve letters at the time of Final Map or Parcel Map recordation, or if no map, prior to issuance of Coastal Development Permits.~~

~~e. Within designated urban areas, new development other than that for agricultural purposes shall be serviced by the appropriate public sewer and water district or an existing mutual water company, if such service is available.~~

~~**E. Lot size Coastal Zone.** Within the Coastal Zone, lots may be reduced in size below the area and width requirements of the specific zone regulations in Article 35.2 (Zones and Allowable Land Uses) with the approval of a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) where the use of such lots is limited to the siting of small scale public works, utilities and private service facilities.~~

35.30.110 - Lot Line Adjustments

A. Purpose and applicability. This Section establishes standards for the approval of a Lot Line Adjustment consistent with this Development Code, the Comprehensive Plan, and County Code Chapter 21 (Subdivision Regulations), in compliance with Map Act Section 66412. The provisions of this Section and the procedures and requirements in County Code Chapter 21 shall apply to all applications for Lot Line Adjustments.

B. Required findings for approval. The approval of a Lot Line Adjustment application shall require that the review authority first make all of the following findings.

1. The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this Development Code.
2. **Minimum lot area.**
 - a. **Minimum lot area.** No lot involved in the Lot Line Adjustment whose area is equal to or greater than the minimum lot area requirement of the applicable zone shall become smaller than the minimum lot area requirement of the applicable zone as a result of the Lot Line Adjustment.
3. Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot area requirements of the applicable zone. A Lot Line Adjustment may be

approved that results in one or more lots that are smaller than the minimum lot area requirement of the applicable zone provided that it complies with all of the following requirements.

- a. The Lot Line Adjustment shall not result in increased subdivision potential for any lot involved in the lot line adjustment.
- b. The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment. For the purposes of this Subsection B.3 only, a lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that, 1) the lot is not a building site, or 2) the lot is designated for a non-residential purpose including well sites, reservoirs and roads. A lot shall be deemed residentially developable for the purposes of this Subsection B.3 if it has an existing one-family dwelling constructed in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.

- (1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or mutual water company shall document that adequate water service is available to the lot and that the service complies with the company's Domestic Water Supply Permit, or 2) a Public Health Department or State approved water system.
- (2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate district. A lot to be served by an onsite wastewater treatment system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by the Public Health Department.
- (3) **Access.** The lot is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
- (4) **Slope stability.** Development of the lot including infrastructure avoids slopes of 30 percent and greater.
- (5) **Agriculture viability.** Development of the lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the lot.
- (6) **Environmentally sensitive habitat.** Development of the lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.
- (7) **Hazards.** Development of the lot shall not result in a hazard to life and property. Potential hazards include, flood, geologic and fire.
- (8) **Consistency with Comprehensive Plan and Development Code.** Development of the lot is consistent with the setback, lot coverage and parking requirements of the Development Code and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

To provide notification to existing and subsequent property owners when a finding is made that a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the lot, in compliance with County Code Section 21-92 (Procedures).

4. The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more onerous.

5. The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

C. Additional required findings for Lot Line Adjustments within an agricultural preserve. In addition to the findings required under Subsection B. (Required findings for approval) above, the approval of a Lot Line Adjustment proposed on agriculturally zoned lots that are subject to an Agricultural Preserve Contract in compliance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones shall require that the review authority also make the following findings:

1. The new contract or contracts will enforceably restrict the adjusted boundaries of the lot for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
2. There is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
5. The lot line adjustment would not compromise the long-term agricultural productivity of the lot or other agricultural lands subject to a contract or contracts.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
7. The lot line adjustment does not result in a greater number of developable lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

35.30.120 - Outdoor Lighting

- A. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
- B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.
- C. **Gaviota Coast, Eastern Goleta Valley, Mission Canyon, Santa Ynez Valley and Summerland Community Plan areas.**
 1. **General.** The regulations contained in this Subsection C. shall be known and referred to as the "Outdoor Lighting Regulations for the Gaviota Coast, Eastern Goleta Valley, Mission Canyon, Santa Ynez Valley and Summerland Community Plan Areas."
 2. **Purpose.** The purpose of this Subsection C. is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security and productivity. The County of Santa Barbara recognizes that the unique development patterns and environments of the Gaviota Coast, Eastern Goleta Valley, Mission Canyon, Santa Ynez Valley and Summerland make them ideal areas for astronomical observation and enjoyment of the nighttime sky. Additionally, resources in the plan areas warrant the protection

of nighttime viewsheds and wildlife corridors from light trespass. The County, through the provisions contained herein, intends to preserve and protect the nighttime environment of the Gaviota Coast, Eastern Goleta Valley, Mission Canyon, Santa Ynez and Summerland by regulating unnecessary and excessive outdoor lighting.

See “Lighting” within [Article 35.11 \(Glossary\)](#) for definitions related to outdoor lighting used within this Chapter.

- 3. Approved materials and methods of installation.** The provisions of this Subsection are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material or method:

 - a. Provides approximate equivalence to the specific requirements of this Subsection C.
 - b. Is otherwise satisfactory and complies with the intent of this Subsection C.
- 4. Prohibited lights and lighting.**

 - a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise the following day, except that on-premises signs may be illuminated while the business is open to the public.
 - b. All outside illumination for aesthetic and decorative purposes that is not fully shielded (full cutoff) shall be prohibited between 9:00 p.m. and sunrise the following day.
 - c. Except for fully shielded (full cut off) lights, lighting associated with an outdoor recreational facility may only be illuminated between 9:00 p.m. and sunrise the following day to complete a specific organized recreational event, in progress and under illumination in conformance with this Subsection C.
 - d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.
 - e. Mercury vapor lights.
- 5. Exemptions.** The following are exempt from the provision of this Subsection C.

 - a. All outdoor lighting fixtures lawfully installed prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)), are exempt from the shielding requirements of this Subsection C, however, they shall be subject to the remaining requirements of this Subsection C.5 except that fully shielded (full cutoff) lights are not subject to a time restriction.
 - b. Fossil fuel lights.
 - c. Traffic control signs and devices.
 - d. Street lights installed prior to the effective date of this ordinance.
 - e. Temporary emergency lighting (e.g., fire, police, public works).
 - f. Moving vehicle lights.
 - g. Navigation lights (e.g., airports, heliports, radio/television towers).
 - h. Seasonal decorations with individual lights in place no longer than 60 days.
 - i. Lighting for special events as provided by Subsection C.8 (Temporary exemption).
 - j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.

- k. Except as provided below, security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.
 - (1) Security lights shall be required to be fully shielded in order to be exempt in compliance with this Subsection.
 - l. Light fixtures shown on construction plans associated with building permits approved prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) are excluded from compliance with this Subsection for the initial installation only.
 - m. Solar walkway lights.
- 6. General requirements.** All light fixtures that require a County permit prior to installation shall be subject to the following general requirements:
- a. All outdoor light fixtures installed after the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) and thereafter maintained upon private property, public property, or within the public right-of-way shall be fully shielded (full cutoff).
 - (1) Within the Summerland Community Plan Area, sign illumination shall only illuminate the signage and shall not spill into adjacent areas.
 - b. All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this Subsection C.
 - c. Light trespass and glare shall be reduced to the maximum extent feasible through downward directional lighting methods.
 - d. Externally illuminated signs, advertising displays and building identification shall use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
 - e. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
 - f. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.
 - g. Within the Gaviota Coast Plan Area, all lighting fixtures shall be installed at the lowest height required to achieve the design purpose of the lighting fixture.
- 7. Submittal of plans and evidence of compliance.** Any application for a permit that includes outdoor light fixtures (except for exempt fixtures in compliance with Subsection C.5) shall include evidence that the proposed outdoor lighting will comply with this Subsection C. The application shall include:
- a. Plans showing the locations of all outdoor lighting fixtures.
 - b. Description of the outdoor lighting fixtures including manufacturers catalog cuts and drawings. Descriptions and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.
- The above plans and descriptions shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection C have been met.
- 8. Temporary exemption.** The following temporary exemptions shall not be allowed within the Mission Canyon Community Plan area.
- a. The Director may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional

activities, only if all of the following findings are first made:

- (1) The purpose for which the lighting is proposed is not intended to extend beyond 30 days.
 - (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
 - (3) The proposed lighting will comply with the general intent of this article.
- b. The application for a temporary exemption shall at a minimum include all of the following information:
- (1) Name and address of applicant and property owner.
 - (2) Location of proposed fixtures.
 - (3) Type, wattage and lumen output of lamp(s).
 - (4) Type and shielding of proposed features.
 - (5) Intended use of lighting.
 - (6) Duration of time for requested exemption.
 - (7) The nature of the exemption.
 - (8) Such other information as the Department may request.

9. Effective date of Subsection C.

- a. **Gaviota Coast Plan area.** The effective date of Subsection C for the Gaviota Coast Plan area is December 9, 2016.
- b. **Eastern Goleta Valley Community Plan area.** The effective date of Subsection C for the Eastern Goleta Valley Community Plan area is November 20, 2015.
- c. **Mission Canyon Community Plan area.** The effective date of Subsection C for the Mission Canyon Community Plan area is May 2, 2014.
- d. **Santa Ynez Community Plan area.** The effective date of Subsection C for the Santa Ynez Community Plan area is November 5, 2009.
- e. **Summerland Community Plan area.** The effective date of Subsection C for the Summerland Community Plan area is June 6, 2014.

35.30.130 - Performance Standards

~~A. Inland area standards.~~ The following standards apply within all Inland areas.

~~1.A.~~ **Location of development.** No urban development shall be permitted beyond the boundaries of land designated on the Comprehensive Plan maps for urban uses, except in Existing Developed Rural Neighborhoods.

~~2.B.~~ **Environmental resource management.** The standards in this Section are from the Environmental Resource Management Element, and serve to implement policies and key recommendations contained in other elements of the Comprehensive Plan (e.g., the Seismic Safety and Safety, Conservation, and Open Space Elements).

~~a1.~~ Urbanization should be prohibited in all cases on lands subject to one or more of the following environmental factors:

- ~~(1)a.~~ Geologic Problems Index V (see Seismic Safety and Safety Element);
- ~~(2)b.~~ Reservoirs and areas tributary to existing and proposed reservoirs;

- (3)c. Slopes of 30 percent or greater;
 - (4)d. Existing croplands with a high agricultural suitability rating (see Environmental Resource Management Element) or a Class I or II soil capability classification. However, urban uses may be permitted within urban areas on lots of 10 acres or less;
 - (5)e. Mineral resource sites;
 - (6)f. Existing parks and recreation sites, historic sites, and archaeological sites; and
 - (7)g. Proposed scientific preserves.
- b2. Urbanization should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:
- (1)a. Geologic Problems Index IV (see Seismic Safety and Safety Element);
 - (2)b. Slopes of 20 percent or greater but less than 30 percent;
 - (3)c. Existing croplands with a moderate or low agricultural suitability rating (see Environmental Resource Management Element) or a Class III or IV soil capability classification;
 - (4)d. Land highly suitable for expansion of cultivated agriculture (see Environmental Resource Management Element);
 - (5)e. Significant habitats and/or prime examples of common ecological communities (see Environmental Resource Management and Conservation Elements).

35.30.140 - Recreation and Visitor Serving Uses

A. ~~Coastal Zone only.~~

- ~~1. Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (e.g., tent campgrounds) shall have priority over uses requiring substantial alteration (e.g., recreational vehicle campgrounds).~~
- ~~2. Visitor serving commercial recreational development that involves construction of major facilities (e.g., motels, hotels, restaurants), should be located within the Urban areas as designated on the Comprehensive Plan maps, and should not change the character of, or impact residential areas.~~
- ~~3. Visitor serving commercial recreational development within the Rural areas as designated on the Comprehensive Plan maps should be limited to low intensity uses (e.g., campgrounds) that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.~~

BA. Coastal and Inland area.

1. Visitor-serving facilities shall be permitted within the Rural areas as designated on the Comprehensive Plan maps only if it is determined that approval of such development will not result in a need for major ancillary facilities on nearby lands (e.g., residences, stores, or gas stations).

35.30.150 - Setback Requirements and Exceptions

A. Purpose. This Section provides standards for the use and minimum dimension of setbacks. These standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for landscaping and recreation.

B. Setback requirements.

1. **General.** Each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zone in [Article 35.2](#)

(Zones and Allowable Land Uses), and with any setbacks established for specific uses by Chapter 35.42 (Standards for Specific Land Uses) except as otherwise provided by this Section or this Development Code.

2. **Property lines and rights-of-way.** No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line or into a public street right-of-way, except as provided by Subsection E (Projection into right-of-way) below, and Subsection 35.44.020.D.1.d.
- C. **Measurement of setbacks.** The setbacks required by Subsection B (Setback requirements) above, shall be measured as follows.
1. **Front setback.** A front setback shall be measured at right angles from the front line of the lot.
 - a. **Corner lot.** A corner lot shall have a front setback along each property line adjacent to a street. If the corner lot has a lot width of 100 feet or more, then each front setback shall be considered to be a primary front setback. If the corner lot has a lot width of less than 100 feet, then the front setback adjacent to the front line (see definition of front line) of the lot shall be considered the primary front setback and the front setback that is not adjacent to the front line shall be considered a secondary front setback. See Figure 3-5 (Corner Lot Setbacks).
 - (1) **Corner lot 100 feet or greater in width.** There shall be a primary front setback along each street abutting the lot and all such setbacks shall conform to the front setback requirements of the applicable zone.
 - (2) **Corner lot less than 100 feet in width.** There shall be a primary front setback along the property line considered the front line of the lot. The secondary front setback along the property line not considered the front line shall be not less than 20 percent of the width of the lot, but in no case shall said secondary front setback be less than 10 feet.

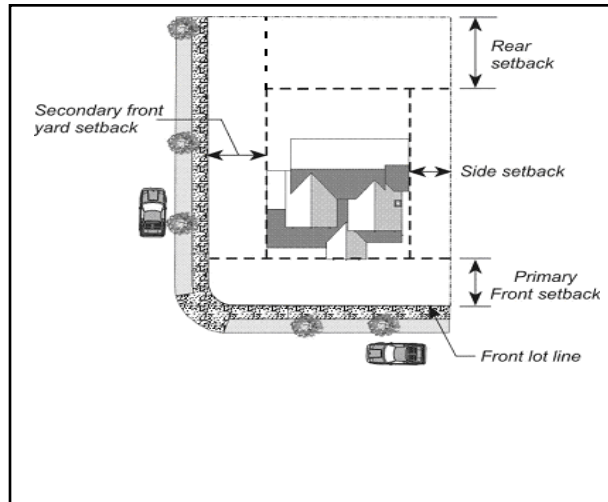


Figure 3-5 - Corner Lot Setbacks

- b. **Through lot.** A through lot shall provide front setbacks as required by the applicable zone adjacent to each abutting street.
 - c. **Sloping lot setback.** Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of the centerline, the front setback for a private detached garage (not carport) may be decreased by 40 percent and the front setback for a dwelling may be decreased by 20 percent, provided that the front face of the garage is no closer than 10 feet to the abutting street right-of-way.
2. **Side setbacks.** A required side setback shall be measured at right angles from the side property line,

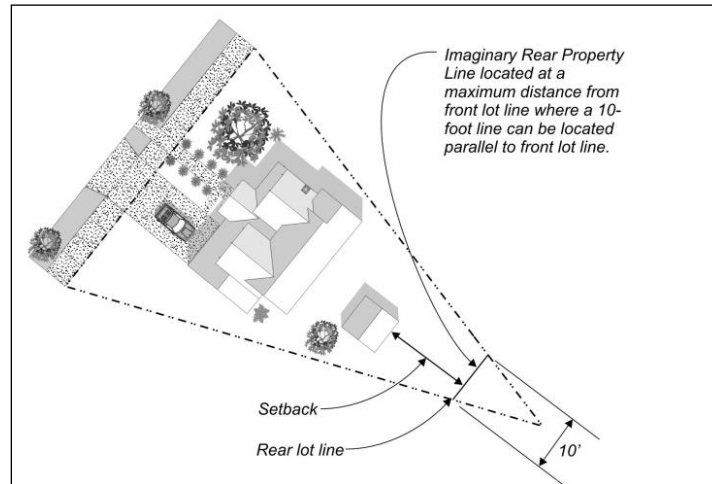


Figure 3-6 - Triangular lot rear setback measurement

d. Rear setback variations in R-1/E-1, and R-2 zones. The required rear setback for portions of a structure may be varied subject to all of the following limitations.

- (1) No portion of a structure used for dwelling purposes shall be closer than 15 feet to the rear line of the lot.
- (2) A portion of a structure may be located within the required rear setback provided that the footprint area of the portion of the structure that intrudes into the required rear setback shall be compensated by an equal or greater area that is not covered by any footprint area located outside of and adjacent to the rear setback and the rear setback line. The compensating area used to vary a rear setback shall not be located farther from the rear lot line than one-half of the lot depth.
- (3) The compensating area used to vary a rear setback shall not be used to vary a side setback on the same lot.

4. Interior and odd-shaped lots.

- a. Interior lot.** The setback requirements of the applicable zone shall not apply, and a structure on an interior lot shall have a setback of at least 10 feet from all property lines (25 feet in the EX-1 zone), and the total area in square feet of all setbacks shall equal the total area in square feet of all setbacks otherwise required by the applicable zone for a non-interior lot. See Figure 3-7 (Interior Lot).
- b. Odd-shaped lots.** In the case of odd-shaped lots, the Director shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable zone district.

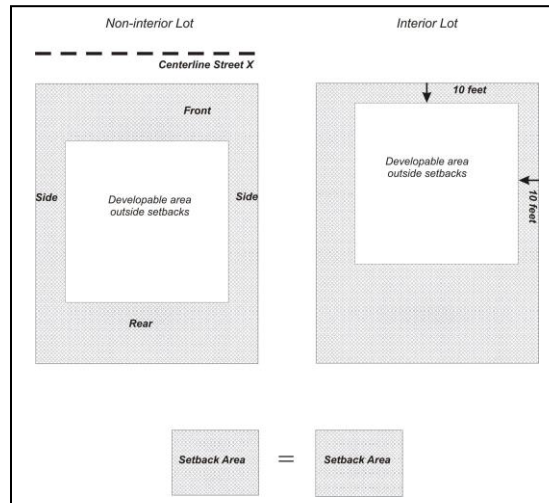


Figure 3-7 - Interior lot

5. Additional exceptions.

a. Setback shown on Final Map or Parcel Map or Development Plan. Where a setback line is called for or shown on a Final Map or Parcel Map, or Final Development Plan, or other document approved along with the Final Map or Parcel Map, or Final Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or Final Development Plan or other document.

(1) If there is a conflict between a setback shown on a recorded document (e.g., Final Map) and a setback described in an unrecorded document, then the language of the recorded document shall prevail.

b. Setbacks on lot reduced through road widening. On any lot that has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, where the reduction was required by the County for road widening, the required setbacks shall be computed on the basis of the original dimensions of the lot as though the road widening had not occurred.

D. Limitations on the use of setbacks, allowable projections into setbacks. Every part of a setback, except for mobile home site setbacks required by [Section 35.23.080 \(MHP Zone Standards\)](#) shall be unobstructed from the ground to the sky, except as otherwise provided in this Section.

1. The ordinary projection of sills, belt courses, buttresses, cornices, chimneys, eaves, and ornamental features may extend into a required setback no more than three feet. Handrails on outdoor stairways may extend into the setback an additional six inches.
2. Fire escapes, balconies, and unroofed and unenclosed porches or landings, may extend into a setback as provided below when constructed and placed in a manner that shall not obstruct light to or ventilation of structures or the ready use of the setback for ingress or egress.
 - a. The front or rear setback by four feet.
 - b. A side setback by three feet.
3. Trellises and patio covers that are attached to a dwelling, not including a mobile home subject to [Section 35.23.080 \(MHP Zone Standards\)](#), may be located within the rear setback when no closer than 15 feet to the rear property line, or no closer than 10 feet to the rear property line when adjacent to a permanently dedicated open space area or road right-of-way.
4. Ornamental garden and landscaping structures without roofs (e.g., fountains, elevated ponds,

planters) may be located within the front and side setbacks provided the feature is either:

- a. Less than 30 inches high, or
 - b. Covers an area of 50 square feet or less and is less than either six feet in height and, if located within a vision clearance area, is consistent with the regulations of Subsection 35.30.090.K (Vision clearance).
5. Decks less than 32 inches in vertical distance as measured from finished grade to the top of the decking material may be located within the front or side setback unless located in a designated Environmentally Sensitive Habitat area.
 6. Non-habitable structures may be located in the side setback provided that the structures comply with all of the following:
 - a. Cumulatively the structures do not occupy an area greater than 10 percent of the side setback in which they are located, or 120 square feet, which ever is less.
 - b. Do not contain any utilities.
 - c. Are screened from view from abutting properties by a wall or fence at least as tall as the structure.
 - d. Are located no closer than five feet to any other structure located on the same lot.
 7. Pedestals supporting utility meters no greater than four feet in height and 24 square feet in area may be located in a front or side setback provided they are completely screened from view from any public or private street and adjoining lot.
 8. Unroofed enclosures for irrigation equipment, solid waste containers and utilities may be located in a front setback provided that:
 - a. The total area surrounded by all these enclosures does not exceed 120 square feet; and
 - b. Each individual enclosure:
 - (1) Is no greater than six feet in height;
 - (2) Surrounds an area no greater than 50 square feet; and
 - (3) Is located behind (as viewed from the street) a fence or a wall that is at least as tall as the enclosure, such that the enclosure is not visible from a public or private street or adjoining lot.

E. Projection into right-of-way. In an area where a structure can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies, and unroofed and unenclosed porches may project into a street right-of-way not more than 30 inches; provided that all these encroachments shall be at least eight feet above any area used by pedestrians, and at least 14 feet above any area used for vehicular traffic; and provided further, that an encroachment permit for the projections is obtained from the County Public Works Department.

35.30.160 - Solar Energy Systems

~~A. Coastal Zone.~~

- ~~1. Roof mounted.~~ Solar energy systems located on the roof of an existing structure are exempt from design review and do not require planning permit approval.
- ~~2. Freestanding.~~ Freestanding solar energy systems shall require the issuance of either a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) as applicable.
 - ~~a. Development that may be appealed to the Coastal Commission.~~ Applications for Coastal

~~Development Permits for development which is defined as appealable development in compliance with State law (Public Resources Code Section 30603) that would normally be processed in compliance with Section 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals)) shall, in compliance with Government Code Section 65805.5(b), instead be processed in compliance with Section 35.82.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan).~~

~~(1) Notwithstanding the language of Section 35.106.020 (Notice of Public Hearing and Review Authority Action) and Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone), notice of the application and pending decision on the application shall be in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).~~

~~(2) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals), and shall also be subject to appeal to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).~~

~~**b. Development that may not be appealed to the Coastal Commission.** Applications for Coastal Development Permits for development which is not defined as appealable development in compliance with State law (Public Resources Code Section 30603) shall be processed in compliance with Section 35.82.050.D.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Chapter 35.35.102 (Appeals) or is not processed in conjunction with a Conditional Use Permit, Minor Conditional Use Permit, or Final Development Plan).~~

~~(1) Notice of the application and pending decision on the application shall be in compliance with Section 35.106.030 (Coastal Development Permits and Land Use Permits within the Coastal Zone).~~

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

~~**B. Inland area.** Solar energy systems located on the roof of an existing structure and freestanding solar energy systems are exempt from design review and do not require planning permit approval, however such systems do require the issuance of a Building Permit, Electrical Permit, Plumbing Permit and/or Solar Use Permit, as applicable, in compliance with Chapter 10 (Building Regulations) of the County Code.~~

~~**1A. Solar Use Permit.** If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Building Official may require the applicant to additionally apply for a Solar Use Permit in compliance with this Subsection. The decision of the Building Official to require the applicant to apply for a Solar Use Permit may be appealed to the Commission in compliance with Chapter 35.102 (Appeals).~~

~~**a1. Contents of application.** An application for a Solar Use Permit shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~**b2. Processing.**~~

~~(1)**a.** The Building Official shall review the Solar Use Permit application for compliance with this Development Code and approve, conditionally approve, or deny the request.~~

~~(a1) The Building Official shall not deny an application for a Solar Use Permit unless the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the~~

specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

~~(2)~~**b.** The action of the Building Official to approve, conditionally approve, or deny an application for a Solar Use Permit is final subject to appeal in compliance with Chapter 35.102 (Appeals).

~~(3)~~**c.** No entitlement for development shall be granted prior to the effective date of the Solar Use Permit. A Solar Use Permit shall not be issued and deemed effective:

~~(a)~~**1.** Prior to the expiration period of the appeal period, or, if appealed, prior to final action on the appeal by the review authority in compliance with Chapter 35.102 (Appeals).

~~(b)~~**2.** Until all conditions of the Solar Use Permit that are required to be satisfied prior to issuance of the Solar Use Permit have been satisfied.

~~(e)~~**3.** Until all necessary prior approvals have been obtained.

~~(4)~~**d.** Notice of the approval or conditional approval of a Solar Use Permit shall be given in compliance with Section 35.106.050 (Land Use Permits).

e3. Findings required for approval. A Solar Use Permit application shall be approved or conditionally approved only if the Building Official first makes all of the following findings. In compliance with the limitation on the ability of the Building Official to deny an application for a Solar Use Permit contained in Subsection B.1.b, the Building Official may approve the application subject conditions that will provide the basis for making the following findings.

~~(1)~~**a.** The proposed installation will not have a specific, adverse impact upon the public health or safety.

~~(2)~~**b.** The proposed installation conforms with the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

~~(3)~~**c.** The proposed installation is on a legally created lot.

~~(4)~~**d.** The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements for legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

d4. Permit expiration.

~~(1)~~—A Solar Use Permit shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Solar Use Permit conditions continues.

4B. Conditions. Any conditions imposed on an application to install a solar energy system, including a Solar Use Permit, which are required to mitigate a specific, adverse impact upon the public health and safety shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

35.30.170 - Solid Waste and Recycling Storage Facilities

A. Purpose. This Section provides standards which recognize County support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Section 42900 through 42911).

B. Applicability. These requirements apply to the following projects:

1. Non-residential development. Any new, non-residential development including commercial, industrial, or institutional building, or marina or any changes to such an existing non-residential development which requires a building permit.

2. **Residential building.** Any new residential building having five or more dwelling units or any changes to such an existing residential building which requires a building permit.
 3. **Residential development.** Any new residential project where solid waste is collected and loaded in a location serving five or more dwelling units, or any changes to an existing residential project which requires a building permit.
 4. **One-family subdivision.** Any subdivision of one-family detached dwellings if, within such subdivisions there is an area where solid waste is collected and loaded in a location which serves five or more dwelling units. In such instances, recycling areas as specified in this Section are only required to serve the needs of the dwelling units which utilize the solid waste collection and loading area.
 5. **Public facility.** Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
- C. Standards for storage areas.** All projects identified in Subsection B (Applicability) above shall be required to provide solid waste areas specifically identified for the storage of both trash and recycling containers in compliance with the following.
1. **Functional use.** Solid waste enclosures shall be properly located, exterior of living space, for functional use by occupants and by the disposal and hauling companies providing collection services.
 2. **Size and location.** The exact size and location of the solid waste and recycling facilities storage areas shall be determined by the review authority on a case-by-case basis taking into account types and quantities of recyclable materials to be generated by the proposed land use and by the mode of collection.
 3. **Screening requirements.** Solid waste enclosures shall be constructed to be as inconspicuous as possible and, in accordance with Santa Barbara County Code Chapter 17; the contents of enclosures shall be screened from public view.
- D. Solid Waste Management Plan.** A Solid Waste Management Plan shall be developed by the permittee as directed by the County Solid Waste Management Plan Guidelines, and may require review and approval by the County Public Works Department prior to the issuance of building permits by the Department.

35.30.180 - Storm Water Runoff Requirements

- A. Applicability.** The following development or redevelopment is subject to the requirement that project-appropriate controls are in place to prevent or minimize water quality impacts:
1. Residential subdivisions with 10 or more dwelling units.
 2. Commercial development of 0.5 acres or greater.
 3. Parking lots of 5,000 square feet or more or have 25 or more parking spaces and are potentially exposed to storm water runoff.
 4. Automobile repair shops.
 5. Retail gasoline outlets.
 6. Restaurants.
 7. One-family residences located on slopes of 20 percent or greater.
 8. Any new development or redevelopment exceeding one acre.
- B. Processing.** No permit for any development listed in Subsection A (Applicability) above, shall be approved except in compliance with the Comprehensive Plan, and the California Environmental Quality Act if applicable.

35.30.190 - Subdivisions, Lot Size

- A. Minimum lot area.** Except as otherwise permitted in this Development Code, no lot held under separate ownership at the time of adoption of this Development Code shall be separated in ownership or reduced in size below the minimum lot width or area required by the applicable zone, or other applicable provisions of this Development Code, nor shall any lot having a width or area less than that required by this Development Code be further reduced in any manner.
- B. Area of lots.**
- 1. Building sites.** A lot or group of lots in one ownership, legally created and existing prior to the effective date of any County zoning regulations applicable to the lots, and containing less area than the required lot or building site area of the applicable zone may be used as building sites for not more than two dwellings per lot, provided that:
 - a. The lot or group of lots were legally created prior to the effective date of any County zoning regulations applicable to the lots;
 - b. A lot or group of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion within a street right-of-way may not be used for more than one dwelling per lot, except within the SUM overlay zone where the minimum lot size for a duplex in any instance is 10,000 square feet; and
 - c. The lots comply with all other applicable requirements of this Development Code.
 - 2. Lot reconfiguration.** Two or more legal lots with insufficient area to meet the minimum lot area requirements of the applicable zone may be combined or resubdivided provided:
 - a. All other regulations of this Development Code and County Code Chapter 21 are complied with;
 - b. The combined or resubdivided lots are as large or larger than the original lots; and
 - c. The minimum area of each new lot is 7,000 square feet.
- C. Measurement of lot area.**
1. The lot area or building site area of a lot shall be as defined in [Article 35.11 \(Glossary\)](#), provided that:
 - a. In any zone in which portions of a street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of the portion of the lot within the street right-of-way.
 - b. For the purpose of computing the lot area or building site area of a lot in any zone, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side, or rear setback of said lot shall be excluded.
 2. For the purpose of computing the lot area or building site area of any lot, the boundaries of the lot shall be the boundaries established by the latest recorded deed, subdivision map, etc., provided that the recorded document does not create or attempt to create a lot in violation of any applicable California or County law or ordinance.
- D. Measurement of lot width.** For the purpose of computing the width of a lot having side lines that are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.
- ~~**E. Findings for subdivision approval in the Coastal Zone.** Approval of a subdivision in the Coastal Zone shall require that the review authority first make the following findings, in addition to all findings required by County Code Chapter 21 (Subdivision Regulations):~~

- ~~1. The subdivider has demonstrated that adequate water is available to serve the newly created lots except for lots to be designated as "Not A Building Site" on the Final Map or Parcel Map; and~~
- ~~2. For a proposed subdivision of agricultural land designated as AG I or AG II, the long term agricultural productivity of the land will not be diminished by the proposed division.~~

CHAPTER 35.32 - DENSITY BONUS FOR AFFORDABLE HOUSING

Sections:

- 35.32.010 - Purpose and Intent
- 35.32.020 - Eligibility for Density Bonus, Incentives or Concessions
- 35.32.030 - Allowed Density Bonuses
- 35.32.040 - Allowed Incentives or Concessions
- 35.32.050 - Siting Criteria
- 35.32.060 - Processing of Density Bonus and Incentive Request

35.32.010 - Purpose and Intent

As required by Government Code Section 65915, this Chapter offers density bonuses, incentives or concessions for affordable and senior housing development as identified in [Section 35.32.020 \(Eligibility for Density Bonus, Incentives or Concessions\)](#) below. This Chapter is intended to implement the state mandated Density Bonus Program, including the requirements of Government Code Sections 65915 through 65918 or successor statute, 2003-2008 Housing Element Policy 1.1 (Density Bonus Program), and the Housing Element Implementation Guidelines.

35.32.020 - Eligibility for Density Bonus, Incentives or Concessions

- A. Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, 2003-2008 Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- B. Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, 2003-2008 Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.
- C. Minimum project size.** The density bonus and incentives or concessions provided by this Chapter shall be available only to housing developments of five or more dwelling units.

35.32.030 - Allowed Density Bonuses

The amount of the density bonus granted shall be determined pursuant to the provisions of Government Code Sections 65915 through 65918 or successor statute, 2003-2008 Housing Element Policy 1.1 and the Housing Element Implementation Guidelines.

- A. Bonus determination.** The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of state law.
- B. Requirements for Amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a Comprehensive Plan ~~or Local Coastal Program~~ Amendment, zoning change or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.32.040 - Allowed Incentives or Concessions

- A. Applicant request and County approval.** An applicant may submit to the County a proposal for the specific incentives or concessions listed in Subsection B. (Types of incentives) below, that the applicant requests in compliance with this Chapter. The County shall grant an incentive or concession request that

complies with this Section unless the County makes specific findings pursuant to Government Code Sections 65915 through 65918 or successor statute.

- B. Types of incentives.** For the purposes of this Chapter, incentives or concessions include any of the following:
- 1. Modification of development standards.** A reduction in site development standards of this Development Code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions;
 - 2. Mixed use project approval.** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located; and
 - 3. Other regulatory incentives.** Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient and actual cost reductions.
- C. Additional parking incentives or concessions.** An applicant may request alternative vehicular parking ratios in addition to other incentives or concessions provided in this Section.
- D. Requirements for amendments or discretionary approval.** The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan ~~or Local Coastal Program~~ amendment, Development Code text amendment, Zoning Map amendment or other discretionary approval separate from the discretionary approval otherwise required for the project.

35.32.050 - Siting Criteria

Density bonus projects are encouraged to be sited based on the following criteria:

- A. Land use and development standards.** All uses of land should comply with the regulations of the primary zone. In cases where conflict occurs between the primary zone standards and the provisions of the Density Bonus Program, the provisions of the Density Bonus Program shall apply ~~except in the Coastal Zone, where the conflict shall be resolved in compliance with the provisions of the Coastal Land Use Plan.~~
- B. Location of project.** The site should be located within an existing Urban area as designated on the Comprehensive Plan map.
- C. Access to transportation.** All proposed development should be sited to provide maximum access to transit and alternative transportation services and facilities.
- D. Water and sewer service.** Density bonus projects should be located in areas served by municipal water providers and municipal sanitary service providers.

35.32.060 - Processing of Density Bonus and Incentive Request

- A. Preliminary proposal and formal application.** Consistent with Government Code Section 65915(d) and [Section 35.32.040 \(Allowed Incentives or Concessions\)](#) above, prior to the submittal of a formal application, an applicant should obtain pre-application and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application shall contain the following information. If no preliminary proposal is submitted, the applicant shall provide the following information at the time of formal application in addition to the County's standard application requirements. The County may, at its

discretion, waive any of these submittal requirements.

1. **Site information.** The Assessor's Parcel Number, gross and net acreage, land use and zone designation of the project site.
2. **Number of units.** The total number of units proposed (not including the density bonus units).
3. **Density bonus units.** The number of density bonus units requested.
4. **Affordable units.** The number of very low income, low income, moderate income and/or senior units proposed.
5. **Incentives.** Any additional incentives requested.
6. **Financial information.** Complete financial information and projections for the project. The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.
7. **Site plan.** A site plan containing all required information as identified in the Department application for a site plan associated with a ~~Coastal Development Permit (Section 35.82.050) if the project is located in the Coastal Zone or a Land Use Permit (Section 35.82.110) if the project is located in the Inland area.~~

Within 45 days of receipt of a complete written proposal, the Department shall notify the applicant in writing of: the types of incentives which may be recommended in order to comply with this Section; and whether staff may support the granting of a density bonus on the basis of required development standards and findings.

- B. **Affordable Housing (AH) overlay zone.** The Affordable Housing (AH) overlay zone provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to the AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives offered in this Section.
- C. **Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- D. **Affordable housing agreement.** Prior to the issuance of a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) for a density bonus project, each project shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document approved as to form by County Counsel, which outlines:
 1. The sales and/or rental prices for the various types of units to be established; and
 2. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted for the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

CHAPTER 35.34 - LANDSCAPING STANDARDS

Sections:

- 35.34.010 - Purpose
- 35.34.020 - Applicability
- 35.34.030 - Landscape Plans
- 35.34.040 - Landscape Agreement and Performance Security
- 35.34.050 - Agricultural Zones Landscaping Requirements
- 35.34.060 - Residential Zones Landscaping Requirements
- 35.34.070 - Commercial Zones Landscaping Requirements
- 35.34.080 - Industrial Zones Landscaping Requirements
- 35.34.090 - Special Purpose Zones Landscaping Requirements
- 35.34.100 - Landscaping Requirements for Parking Areas

35.34.010 - Purpose

This Chapter establishes requirements for landscaping to enhance the appearance of development, provide shade, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, enhance the quality of neighborhoods, improve air quality and improve pedestrian and vehicular traffic and safety.

35.34.020 - Applicability

The provisions of this Chapter apply to new, existing, and future development and land uses. The standards apply countywide unless otherwise indicated.

35.34.030 - Landscape Plans

- A. Landscape plans.** Landscape plans shall be required in compliance with [Section 35.34.050](#) through [Section 35.34.100](#) below, as a condition of an approved planning permit, and where a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) is required. A landscape design professional shall prepare landscape plans. Landscape plans shall be in compliance with the Department handout, "Landscape Plan and Performance Security Procedures."
- B. Plan review.**
1. **Director.** The Director shall review landscape plans that do not require review and approval by the Board of Architectural Review in compliance with Subsection B.2 (Board of Architectural Review) below, and shall approve, conditionally approve, or deny the plan.
 2. **Board of Architectural Review.** The Board of Architectural Review shall approve, conditionally approve, or deny:
 - a. Landscape plans required by the Board of Architectural Review.
 - b. Landscape plans that require review and approval of the landscape plan by the Board of Architectural Review as a condition of approval of a planning permit.
- C. Duration.** Landscaping shall be installed and permanently maintained in compliance with the approved landscape plan.

35.34.040 - Landscape Agreement and Performance Security

- A. Landscape agreement and performance security required.** Prior to the issuance of a ~~Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#), or a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#), or a Zoning Clearance in compliance~~

with [Section 35.82.210 \(Zoning Clearances\)](#), a signed and notarized landscape agreement and a performance security that guarantees the installation of plantings, walls, and fences, in compliance with the approved landscape plan, and provides for adequate maintenance for a designated time period shall be filed with the Department in compliance with [Sections 35.84.020 \(Performance Guarantees\)](#) and [Section 35.84.070 \(Post Approval Inspections\)](#).

- B. Performance security release.** Performance securities shall be released upon approval by the Director for the installation and the remaining performance security for landscaping maintenance shall be released at the end of the designated time period, provided the planting has been adequately maintained in compliance with [Sections 35.84.020 \(Performance Guarantees\)](#) and [Section 35.84.070 \(Post Approval Inspections\)](#).

35.34.050 - Agricultural Zones Landscaping Requirements

- A. Agricultural (AG-I) zone.** A landscape plan shall be approved for the following development within the AG-I zone:

~~1. **Coastal Zone.** Within the Coastal Zone, a commercial hothouse, a greenhouse, or other plant protection structure shall require a landscape plan in compliance with the following:~~

~~a. **Plan requirements.** The plan shall include landscaping that, within five years, will reasonably screen the view of structures and onsite parking areas from adjacent public streets. The plan shall also include landscaping along all public streets. The landscaping shall consist of plant material compatible with existing plants on the property.~~

~~b. **Installation requirements.** Landscaping shall be completely installed within six months following final Building Permit inspection.~~

~~c. **Maintenance requirements.** The landscape agreement shall guarantee the maintenance of the landscaping for a minimum of two years.~~

~~d. **Parking areas.** Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.~~

~~21. **Greenhouses. Inland area.** Within the Inland area, a **A** greenhouse shall require a landscape plan in compliance with the following:~~

~~a. **Plan requirements.** The plan shall include landscaping that, within five years, will reasonably screen the view of structures and onsite parking areas from adjacent public streets. The plan shall also include landscaping along public streets. The landscaping shall consist of plant material compatible with existing plants on the property.~~

~~b. **Installation requirements.** Landscaping shall be completely installed prior to final Building Permit inspection.~~

~~c. **Parking areas.** Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.~~

~~**B. Carpinteria Agriculture (CA) overlay zone - Coastal Zone.** A landscape plan is required for development of a greenhouse, related development, packing and shipping facilities, shade or hoop structures within the CA overlay zone in compliance with [Subsection 35.28.070.F.7 \(Standards for greenhouses and related facilities\)](#).~~

35.34.060 - Residential Zones Landscaping Requirements

- A. Design Residential (DR) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the DR zone. The landscape plan shall include, at a minimum, the following:

1. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences or walls not less than four feet in height.

2. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.
3. ~~In the Inland area, a~~ landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.
4. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

B. Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone. A landscape plan shall be approved for all development requiring a Development Plan within the MHP and MHS zones. The landscape plan shall include, at a minimum the following:

- ~~1. Coastal Zone. Within the Coastal Zone landscaping shall be provided in compliance with the following:~~
 - ~~a. A minimum of one tree shall be planted on each mobile home site.~~
 - ~~b. The project site shall be enclosed with decorative wall or fence or landscaping not less than five feet in height except for areas provided for site access.~~
 - ~~c. A landscape buffer with a minimum width of 25 feet shall be provided adjacent to any lot line that abuts a residential zone.~~
 - ~~d. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~
- ~~2. Inland area. Within the Inland area, landscaping shall be provided in compliance with the following:~~
 - ~~a1. Perimeter setback areas that are part of the common open space shall be landscaped.~~
 - ~~b2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.~~
 - ~~e3. Parking areas shall be landscaped in compliance with Section 35.34.100 (Landscaping Requirements for Parking Areas) below.~~

C. Multi-family Residential - Orcutt (MR-O) zone. A landscape plan shall be approved for all development within the MR-O zone. The landscape plan shall include, at a minimum, the following:

1. Perimeter setback areas that are part of the common open space shall be landscaped.
2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

D. Planned Residential Development (PRD) zone. A landscape plan shall be approved for all development requiring a Development Plan within the PRD zone. The landscape plan shall include, at a minimum, the following:

1. An adequate buffer area comprised of fencing/walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts property zoned other than PRD to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
2. Uncovered parking areas shall be screened from the street and adjacent residences by hedges, dense plantings, shrubbery, solid fences, or walls not less than four feet in height.
3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

[Requirements for Parking Areas](#)) below.

- E. Small Lot Planned Development (SLP) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the SLP zone. The landscape plan shall include, at a minimum the following:
1. Perimeter setback areas that are part of the common open space shall be landscaped.
 2. Unsightly areas within the development (e.g., common parking areas, trash storage areas) shall be thoroughly screened by landscaping.
 3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.
- F. Medium Density Student Residential (SR-M) zone and High Density Student Residential (SR-H) zone.** A landscape plan shall be approved for all development requiring a Development Plan within the SR-M and SR-H zones. The landscape plan shall include, at a minimum the following:
1. A minimum of 15 percent of the net lot area shall be landscaped.
 2. Uncovered parking areas accommodating more than five vehicles located between the main building and any abutting street shall be screened from the street and adjacent property by an ornamental masonry wall or screen planting or both.
 3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

35.34.070 - Commercial Zones Landscaping Requirements

- A. Limited Commercial (C-1) zone.** A landscape plan shall be approved for all development within the C-1 zone except a one-family dwelling and its accessory structures and uses on an existing lot of record. The landscape plan shall include, at a minimum, the following:
1. A landscape area with a minimum width of five feet shall be provided adjacent to any lot line that abuts a residential zone.
 2. A landscape area with a minimum width of 15 feet shall be provided adjacent to any street right-of-way line.
 3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.
- B. Retail Commercial (C-2) zone and General Commercial (C-3) zone.** A landscape plan shall be approved for all development within the C-2 and C-3 zones. The landscape plan shall include, at a minimum, the following:
1. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.
- C. Highway Commercial (CH) zone.** A landscape plan shall be approved for all development within the CH zone. The landscape plan shall include, at a minimum, the following:
1. A minimum of five percent of the net lot area shall be landscaped.
 2. An ornamental masonry wall not less than six feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets shall be provided adjacent to any portion of a lot line that abuts a residential zone. In addition, a row of trees that provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature shall be provided.
 3. An ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite site of the street has a residential zone.

- a. The area between the wall and the street right-of-way line shall be landscaped.
 - b. This requirement may be modified by the review authority when it is determined that strict compliance with this requirement is not required to protect residential values due to the street width or other conditions.
 - c. This requirement shall not apply to areas provided for site access and where a service station abuts a street right-of-way.
4. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

D. Community Mixed Use - Los Alamos (CM-LA) zone.

1. **Parking lots.** Parking lots shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#).
2. **Forecourt Building Front type.** Landscaping shall be provided for buildings with a forecourt (Section 35.24.070.I) that exceeds a gross floor area of 500 square feet.
3. **Through lots.** For parking setback exceptions approved according to Section 35.24.070.G.e.1, the setback area along the rear or secondary street property line shall be maintained in landscaping subject to review and approval by the applicable Board of Architectural Review.

E. Neighborhood Commercial (CN) zone. A landscape plan shall be approved for all development within the CN zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet and an ornamental wall not less than five feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets shall be provided adjacent to any portion of a lot line that abuts a residential zone. The wall shall be reduced to three feet in height when located within a front setback area.
2. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

F. Resort/Visitor Serving Commercial (C-V) zone. A landscape plan shall be approved for all development within the C-V zone. The landscape plan shall include, at a minimum, the following:

1. An adequate buffer comprised of fencing, walls, plant materials, or any combination thereof shall be provided adjacent to any portion of a lot line that abuts a residential zone to protect adjacent properties from impacts of noise or lighting and to provide separation between residential and commercial uses. The buffer area shall be depicted on any Preliminary or Final Development Plan associated with the development project.
2. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

G. Shopping Center (SC) zone. A landscape plan shall be approved for all development within the SC zone. The landscape plan shall include, at a minimum, the following:

1. A minimum of five percent of the net lot area shall be landscaped.
2. An ornamental masonry wall not less than six feet in height extending to within 20 feet of the street right-of-way line of existing or proposed streets shall be provided adjacent to any portion of a lot line that abuts a residential zone. In addition, a row of trees that will provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature shall be provided.
3. Except for areas provided for site access, an ornamental masonry wall not less than three feet in height shall be provided along and located a minimum of three feet from any street right-of-way line that abuts the project site where the property on the opposite side of the street is zoned residential.

4. All setback areas adjacent to a street shall be landscaped.
5. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

H. Professional and Institutional (PI) zone. A landscape plan shall be approved for all development within the PI zone. The landscape plan shall include, at a minimum, the following:

1. A minimum of 10 percent of the net lot area of the property shall be devoted to landscaping.
2. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

35.34.080 - Industrial Zones Landscaping Requirements

A. ~~Coastal Dependent Industry (M-CD) zone and Coastal Related Industry (M-CR) zone.~~ A landscape plan shall be approved for all development except for exploratory oil and gas drill sites and agricultural uses within the ~~M-CD and M-CR~~ zones. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet shall be provided adjacent to all lot lines except for areas provided for site access.
2. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a commercial or residential zone.
3. Outdoor storage areas shall be screened by a wall or fence not less than six feet in height. The wall or fence shall be set back a minimum of five feet from any street right-of-way line. The area between the wall or fence and the street right-of-way line shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped with a row of trees of a type approved by the Director to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.
4. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

B. Industrial Research Park (M-RP) zone. A landscape plan shall be approved for all development within the M-RP zone. The landscape plan shall include, at a minimum, the following:

1. A minimum of 30 percent of the net lot area of the property shall be landscaped.
2. A landscape area with a minimum width of 20 feet shall be provided within the rear setback area adjacent to any portion of a lot line that abuts a residential zone.
3. A landscape area with a minimum width of five feet shall be provided within the side setback areas adjacent to any portion of a lot line that abuts a residential zone.
4. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential zone.
5. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

C. Light Industry (M-1) zone. A landscape plan shall be approved for all development within the M-1 zone. The landscape plan shall include, at a minimum, the following:

1. A minimum of 10 percent of the net lot area shall be landscaped.
2. A landscape area with a minimum width of five feet shall be provided adjacent to any side or rear lot line.
3. A landscape area with a minimum width of 10 feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.

4. A masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
5. Outdoor storage areas shall be screened from view of a street by a wall or fence not less than six feet in height. The wall or fence shall be set back a minimum of five feet from any street right-of-way line. The area between the wall or fence and the street right-of-way line shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped with a row of trees of a type approved by the Department to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.
6. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

D. General Industry (M-2) zone. A landscape plan shall be approved for all development within the M-2 zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way line except for areas provided for site access.
2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

35.34.090 - Special Purpose Zones Landscaping Requirements

A. Mixed Use (MU) zone. A landscape plan shall be approved for all development within the MU zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter of the project site except for areas provided for site access.
2. A landscape area with a minimum width of 10 feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.
3. A landscaped buffer shall be provided between residential and commercial and/or industrial portions of the development to ensure adequate screening, privacy, and noise reduction.
4. Uncovered parking areas shall be screened from all streets and any residences by hedges, dense plantings, solid fences, or walls not less than four feet in height.
5. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

B. Naples Townsite (NTS) zone. A landscape plan shall be approved for all development within the NTS zone. The landscape plan shall be in compliance with the requirements of Subsection 35.26.060.H.11.

C. Old Town (OT) zones. A landscape plan shall be approved for all development except a one-family dwelling and its accessory structures and uses on an existing lot of record within the OT-R, OT-R/LC and OT-R/GC zones. The landscape plan shall include, at a minimum, the following:

1. **Old Town Residential/Light Commercial (OT-R/LC) zone and Old Town Residential/General Commercial (OT-R/GC) zone.**
 - a. All parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.
2. **Old Town Residential (OT-R) zone.**
 - a. Uncovered parking areas shall be screened from all streets and adjacent residences by hedges,

dense plantings, solid fences or walls not less than four feet in height.

- b. A landscape area with a minimum width of five feet shall be provided between all lot lines and any driveway or uncovered parking area except for areas provided for site access.
- c. A landscape area with a minimum width of 10 feet shall be provided adjacent to the perimeter lot lines of a clustered residential development.
- d. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

D. Public Utilities (PU) zone. A landscape plan shall be approved for all development within the PU zone. The landscape plan shall include, at a minimum, the following:

1. A landscape area with a minimum width of five feet shall be provided adjacent to any street right-of-way except for areas provided for site access
2. A landscape area with a minimum width of five feet and a masonry wall not less than six feet in height shall be provided adjacent to any portion of a lot line that abuts a residential or commercial zone.
3. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

E. Recreation (REC) zone. A landscape plan shall be approved for all development within the REC zone. The landscape plan shall include, at a minimum, the following:

1. Landscaping, fencing, and/or walls adequate to properly screen the facilities (e.g., tennis courts, concession stands, restrooms, and other structures) shall be provided when the lot is adjacent to a residential zone.
2. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

F. Transportation Corridor (TC) zone. A landscape plan shall be approved for all development within the TC zone. The landscape plan shall include, at a minimum, the following:

1. Landscaping shall not conflict with the safety and visibility requirements of Transportation Corridor uses.
2. Drought-tolerant native species shall be utilized to the maximum extent feasible.
3. To the maximum extent feasible, development, including expansions of Highway 101, shall incorporate provisions for landscaping to preserve the scenic and visual amenities that exist along the affected transportation corridor, or to replace landscaping with comparable scenic and visual amenities. To the extent feasible, the existing historic landscaping scheme shall be preserved and maintained.
4. Parking areas shall be landscaped in compliance with [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#) below.

35.34.100 - Landscaping Requirements for Parking Areas

In addition to the applicable landscaping requirements contained within [Section 35.34.050](#) through [Section 35.34.090](#) above, parking areas shall be landscaped in compliance with the following requirements. For the purpose of landscaping and screening requirements within this Chapter, parking area includes the parking spaces and the maneuvering space necessary for their use.

A. Screening between residential and nonresidential uses. Where nonresidential parking areas abut residentially zoned or developed property, a wall or solid fence not less than five feet in height shall be constructed and maintained between the parking area and the adjoining residentially zoned or developed property.

- B. Existing trees.** The design of the parking area should make the best use of the growth and shade provided by existing trees on the project site.
- C. Screening requirements and authority.** Screening shall be provided adjacent to all lot lines consisting of a five-foot wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Fences or walls abutting streets shall be ornamental in texture, pattern, or shadow relief. Planting, fences, or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the review authority if the adjacent property already has provided a solid wall not less than four feet in height.
- D. Additional requirements for uncovered parking areas exceeding 3,600 square feet.** When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 2. ~~Within the Inland area, I~~ Landscape islands shall be provided at the ends of all parking lanes.

CHAPTER 35.36 - PARKING AND LOADING STANDARDS

Sections:

- 35.36.010 - Purpose and Intent
- 35.36.020 - Applicability
- 35.36.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions
- 35.36.040 - Required Number of Spaces: Agricultural Uses
- 35.36.050 - Required Number of Spaces: Residential Uses
- 35.36.060 - Required Number of Spaces: Nonresidential Uses
- 35.36.070 - Required Number of Spaces: Industrial Uses
- 35.36.080 - Standards for All Zones and Uses
- 35.36.090 - Standards for Agricultural Zones and Uses
- 35.36.100 - Standards for Residential Zones and Uses
- 35.36.110 - Standards for Nonresidential Zones and Uses
- 35.36.120 - Standards for Mixed Use Zones and Uses

35.36.010 - Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, well-designed, off-street parking facilities in conjunction with a use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards in this Chapter shall be considered minimums, and more extensive parking provisions may be required by the Commission as a condition of project approval when the Commission is the original review authority.

35.36.020 - Applicability

Every use, including a change or expansion of a use or structure, except as otherwise provided for in [Subsection 35.36.090.A \(Exemption, ~~Inland area~~\)](#) below, and in [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#) shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this Chapter. A use shall not be commenced and structures shall not be occupied until improvements required by this Chapter are satisfactorily completed.

35.36.030 - Recalculation of Parking Spaces Upon Changes of Use and Additions

- A. Change of use.** Upon the change of a use, the number of parking spaces to be provided shall be calculated according to the requirements of this Chapter for the new use. Previous parking modifications granted by the review authority shall be null and void.
- B. Addition to use or structure.** For additions to existing developments, the increased or decreased parking requirement shall be based on the aggregate total of the floor area and/or number of employees of existing and proposed structures and uses on the property.

35.36.040 - Required Number of Spaces: Agricultural Uses

Agricultural parking standards shall be in compliance with the provisions in this Section, in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.090 \(Standards for Agricultural Zones and Uses\)](#) below. ~~Unless otherwise noted, the indicated parking requirements shall apply to uses in both the Coastal Zone and the Inland area.~~

Table 3-4 - Agriculture Parking Standards

Agriculture, Resource & Open Space Uses	Parking Spaces Required
Commercial greenhouses, hothouse or other plan protection structures	2 spaces per acre of land in such use.
<p>Wineries (Inland area only)</p> <p>Bus/limousine parking</p> <p>Tasting rooms, reception areas, and kitchens and other areas for use by patrons.</p> <p>Offices, laboratories, or administration.</p> <p>Production, storage, or warehousing.</p> <p>Special event parking, including group events and winemaker dinners.</p>	<p>Additional oversized spaces (10 feet x 30 feet) to accommodate bus/limousine parking as follows: 1 space for the first 20,000 square feet of winery structural development, and 1 space for every additional 20,000 square feet, or fraction thereof, of winery structural development.</p> <p>1 space per 300 square feet and; 1 space per 2 employees for tasting rooms, reception areas, kitchens, or other areas used by patrons.</p> <p>1 space per 300 square feet for offices, laboratories or administration.</p> <p>1 space per 1,000 square feet for production, storage or warehousing.</p> <p>1 space per 2.5 people for special event parking.</p>

35.36.050 - Required Number of Spaces: Residential Uses

Residential parking requirements shall be in compliance with the provisions in this Section, and in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#) below.

- A. **Not applicable to CM-LA zone.** Table 3-5 shall not apply to development on lots zoned CM-LA (Community Mixed Use - Los Alamos). Development located in the CM-LA (Community Mixed Use - Los Alamos) zone shall be in compliance with the parking standards of Subsection 35.36.110.H (Community Mixed Use - Los Alamos (CM-LA) zone), as applicable.

Table 3-5 - Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings (excluding EX-1 & SLP zones)	2 spaces per dwelling unit (1) (2)
One-family located within EX-1 Zone	6 spaces per dwelling unit
Small Lot Planned Development	2 spaces per dwelling unit and 1 space per 5 lots (for storage of recreational vehicles)
Multiple dwelling units - single bedroom or studio dwelling unit (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 2 bedrooms (3) (4)	1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units - 3 bedrooms or more (3) (4)	2 spaces per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Accessory dwelling unit	As determined by Section 35.42.015 (Accessory Dwelling Units) .
Fraternities, sororities, dormitories and boarding and lodging houses	1 space per 4 beds and 1 space per 2 employees
Guesthouse	1 space per guesthouse
Mobile Homes - MHP zone	2 spaces per mobile home space and 1 space per 3 mobile home spaces (for visitor parking) and 1 space per 5 mobile home spaces (for storage of recreational vehicles)
Mobile Home - MHS zone	2 spaces per lot and 1 space per 5 lots (for storage of recreational vehicles)
Retirement and special care homes (not including senior housing) (4) (5)	1 space per guest room and 1 space per 2 employees

Notes:

- (1) In the Mission Canyon Community Plan area (excluding the RR zone), a minimum of 3 spaces shall be required for:
 - (a) A new dwelling unit,
 - (b) Habitable additions to an existing dwelling unit, either individually or combined, greater than 500 square feet, or
 - (c) An addition or remodel of an existing dwelling that includes one or more new bedrooms and results in a dwelling with three or more bedrooms.
- (2) In the Summerland Community Plan area additional parking spaces may be required in compliance with Section 35.28.210 (Community Plan Overlays).
- (3) Includes residential units constructed as a live/work unit or a mixed-use residential component.
- (4) See Section 35.23.060.D for parking requirements for qualifying affordable housing, senior housing, or special care housing developments.
- (5) Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

35.36.060 - Required Number of Spaces: Nonresidential Uses

Nonresidential parking requirements shall be in compliance with the provisions in this Section, and in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#) below. ~~Unless otherwise noted, the indicated parking requirements shall apply to uses in both the Coastal Zone and the Inland area.~~

- A. CM-LA zone.** Table 3-6 shall not apply to development on lots zoned CM-LA (Community Mixed Use - Los Alamos). Development located in the CM-LA (Community Mixed Use - Los Alamos) zone shall be in compliance with the parking standards of Subsection 35.36.110.H (Community Mixed Use - Los Alamos (CM-LA) zone) as applicable.

Table 3-6 - Nonresidential Parking Standards

Recreation, Education & Public Assembly Uses:	Parking Spaces Required
Bowling alley	8 spaces per lane
Library, museum, art gallery, or similar use	Coastal 1 space per 2 employees Inland 1 space per 2 employees and; 1 space per 300 square feet of gross floor area
Religious institutions, school auditoriums, college auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls, and other places of general assembly	With fixed seats - 1 space per 4 fixed seats Without fixed seats - 1 space per 30 square feet of auditorium floor space
Places of amusement without fixed seats (e.g., dancehalls, skating rinks, etc.)	1 space per 300 square feet of assembly area
Racquetball facility & tennis facility	1.5 spaces per court
School - Colleges: art, craft, music, or dancing schools; business, professional, or trade school	1 space per 5 students and 1 space per 3 employees
School - Day school or Nursery school	1 space per 10 students and 1 space per 2 employees
School - Elementary and Middle School	1.5 spaces per teaching station
School - High School	6 spaces per teaching station
Spas, health clubs, etc.	1 space per 300 square feet of gross floor area
Spectator seating	1 space per 5 seats or 1 space per 35 square feet of seating area
Swimming pool, public	Coastal 1 space per 25 square feet of pool area Inland 1 space per 200 square feet of pool area and 1 space per 500 square feet of area related to the pool and facilities
Retail Trade	Parking Spaces Required
Furniture and appliance stores; heating, ventilating, and hardware stores; motor vehicle and machinery sales and service	1 space per 1,000 square feet of gross floor area
Restaurants, cafes, taverns, etc.	1 space per 300 square feet of space devoted to patrons 1 space per 2 employees
Retail business and general commercial	1 space per 500 square feet of gross floor area (1)(2 1)
Services and Offices– Business, Financial, Professional	Parking Spaces Required
Business and professional offices e.g. banks, lawyers’ offices, etc.	1 space for each 300 square feet of gross floor area (3 2)
Hotels/motels	1 space per guest room and 1 space per 5 employees
Medical services - extended care	1 space per 3 beds and 1 space per 3 employees
Medical services - hospitals	1 space per 2 beds and 1 space per 3 employees
Medical Services - medical clinics, medical and dental offices	1 space per 200 square feet of gross floor area
Short-Term Rentals	1 space per bedroom

Notes:

(1) See Subsection 35.36.110.E (Retail Commercial (C 2) zone, Coastal Zone).

(~~2~~1) See Subsection 35.36.110.J (Shopping Center (SC) zone).

(~~3~~2) See Subsection 35.36.110.K (Professional and Institutional (PI) zone).

35.36.070 - Required Number of Spaces: Industrial Uses

Industrial parking requirements shall be in compliance with the provisions in this Section, in [Section 35.36.080 \(Standards for All Zones and Uses\)](#) and in [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#). ~~Unless otherwise noted, the indicated parking requirements shall apply to uses in both Coastal Zones and the Inland area.~~

Table 3-7 - Industry Parking Standards

Industry, Manufacturing & Processing, Wholesaling	Parking Spaces Required
Research and development, manufacturing, and processing	1 space per 1.5 employees (but in no case less than 1 space per 500 square feet of gross floor area)
Wholesaling, warehousing, and storage facility	1 space per 1000 square feet of gross floor area and 1 space per 4 employees
Other industrial uses	1 space per 4 employees

35.36.080 - Standards for All Zones and Uses

Off-street parking areas in all zones and for all uses shall be developed in the compliance with the standards in this Section, and as provided in [Section 35.36.090](#) through [Section 35.36.120](#).

A. Bicycle parking requirements.

1. **Development Plans.** For development (other than one-family dwellings or two-family dwellings or located within SR-M or SR-H zones) that is subject to the requirements of a Development Plan, the Commission shall determine if there is a need to provide bicycle parking. If a need exists, the Commission shall then determine the required number of parking spaces, bike racks, and locking devices that shall be provided.
2. **SR-M and SR-H zones.** For residential development within the SR-M or SR-H zones bicycle parking shall be provided in compliance with Subsection [35.36.100.J](#) (Medium and High Density Student Residential (SR-M) and (SR-H) zones) below.

B. Construction and design.

1. Parking areas shall be graded and drainage shall be provided so as to dispose of surface water without erosion, flooding, and other inconveniences or hazards.
2. Except as provided below, uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (a) **Mission Canyon Community Plan area.** The following parking spaces shall be paved with pervious materials on a suitable base, including masonry pavers, turf blocks, or porous asphalt, unless inconsistent with Fire Department minimum structural design standards for emergency access:
 - (1) One of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 where the principal use is residential; and
 - (2) In any zone, any parking spaces that are provided in addition to parking spaces provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses) and Section 35.36.060 (Required Number of Spaces: Nonresidential Uses).
3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.
4. Except for residential uses within the 20-R-1 through 7-R-1, and 20-R-2 through 7-R-2 zones,

parking areas shall be designed so that no vehicle shall be required to encroach into a street or sidewalk when backing out of a parking space.

5. The design of parking spaces shall not require the moving of a car to gain access to a required parking space unless:
 - a. The applicable zone regulations specifically allow tandem parking.
 - b. The lot is a residentially zoned lot located within the Mission Canyon Community Plan area and is 7,000 square feet (net) or less in size.
6. Parking areas serving uses operating at night shall be adequately lighted. Lighting shall be directed away from adjoining residences.
7. The design of parking spaces and the maneuvering space in connection with the spaces shall be in compliance with the requirements of Table 3-8 (Parking Dimensions - One Way Traffic) and Table 3-9 (Parking Dimensions - Two Way Traffic), below, and as illustrated in Figure 3-8 through Figure 3-10, below.

C. Driveways.

1. **Width, number, and location.** Unless otherwise provided in the specific, applicable zone, the width and number of driveways in relation to intersections, obstructions, other driveways, and property lines shall be in compliance with the engineering design standards adopted by the Board.
2. **Driveways to parking areas.** A driveway used for access to a parking area shall be a minimum of 10 feet wide in clear distance between an obstruction to vehicular traffic.
3. **Special requirements.** Upon recommendation of the Director or the Public Works Department, or upon their own initiative when considering a project, the Commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the Commission determines that special requirements either reduce or do not create traffic hazards or street parking problems. The decision of the Commission to impose special requirements is final subject to appeal to the Board in compliance with [Chapter 35.102 \(Appeals\)](#).

D. Gross floor area measurement. For the purposes of this Chapter, gross floor area shall be the measure of the square footage for a project; however, stairways and open, unenclosed corridors shall be excluded.

E. Fractional space. Where the standards result in a fractional space, the next larger whole number shall be the number of spaces required.

F. Handicapped parking spaces. Parking areas shall provide handicap parking spaces as required in compliance with State and Federal law.

G. Joint use of parking facilities for mixed use development. In order to encourage efficient use of commercial parking space and good design practices, the total parking requirements for mixed uses and conjunctive uses shall be based on the number of spaces adequate to meet the various needs of the individual uses operating during the peak parking period.

H. Location. Except as provided below, off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed by this Development Code. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, one of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 may be located within the front setback area provided the location is approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
2. **Accessory dwelling units.** When a garage, carport, or covered parking structure is converted or

demolished in conjunction with the construction of a new, detached accessory dwelling unit that is not connected by any means to another structure, any replacement parking spaces which are required to satisfy the parking requirement for the principal dwelling may be provided in any configuration on the same lot as the accessory dwelling unit, including covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

a. A mechanical parking lift shall:

- (1) Not be located on a driveway between the principal dwelling and any adjacent street.
- (2) Be located a sufficient distance away from any structures in order to comply with any fire clearance requirements.
- (3) Not be used to provide replacement parking spaces if the project site is located in a very high fire hazard severity zone.
- (4) Be rated for all-weather use unless located within a building.
- (5) Be located so that the lift and any vehicles parked thereon are screened from view from any public road or other area of public use (e.g., park, trail), or any adjoining lot.

I. Maintenance of minimum parking requirements. The minimum number of parking spaces required in this Chapter shall be provided and continuously maintained.

J. Maintenance of parking areas and parking spaces. A parking area or parking space provided for the purpose of complying with the provisions of this Chapter shall not be eliminated, reduced, or converted unless equivalent facilities approved by the review authority are provided elsewhere in compliance with this Chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this Section.

K. Modifications of parking requirements. Modifications to the parking requirement may be granted, in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), [Section 35.82.080 \(Development Plans\)](#), [Section 35.82.130 \(Modifications\)](#) or [Section 35.82.200 \(Variances\)](#).

L. Parking requirement not listed. Where the parking requirement for a use is not specifically provided in this Chapter, the parking requirement shall be determined by the Director based upon the requirement for the most comparable use specified in this Chapter.

M. Size. Parking space sizes shall comply with the following standards:

1. Residential parking spaces shall be a minimum of 8.5 feet wide by 16.5 feet long.
2. Nonresidential parking spaces:
 - a. Compact car spaces shall be a minimum of 8 feet wide by 14.5 feet long.
 - b. Standard spaces shall be a minimum of 9 feet wide by 16.5 feet long.
 - c. Oversized spaces to accommodate bus/limousine parking shall be a minimum of 10 feet wide by 30 feet long.
 - d. Storage parking spaces for recreational vehicles (e.g., travel trailers, campers) shall be a minimum of 10 feet wide by 20 feet long.

35.36.090 - Standards for Agricultural Zones and Uses

A. Exemption, ~~Inland area~~. Agricultural improvements (see [Article 35.11 \(Glossary\)](#)) the AG-I and AG-II zones ~~in the Inland Area~~ shall be exempt from the provisions of this Chapter.

B. Marking or striping.

1. Agricultural developments not requiring Development Plan approval shall not be required to

comply with design specifications for marking or striping, except for handicap parking spaces required in compliance with State and Federal law.

2. Agricultural development projects requiring Development Plan approval may request that the review authority waive certain design specifications for marking or striping otherwise required in Subsection 35.36.080.B.3 above.

C. Screening (AG-I zones). Onsite parking areas for greenhouses or other plant protection structures shall be screened from the view of adjacent public streets in compliance with Section 35.34.050 (Agricultural Zone Landscaping Requirements) and Section 35.34.100 (Landscaping Requirements for Parking Areas).

D. Carpinteria Agricultural overlay (CA) zone.

1. To the maximum extent feasible, parking shall be visually screened from adjacent public roads and view corridors in compliance with Subsection 35.28.070.F (Site planning and development standards) and Section 35.34.100 (Landscaping Requirements for Parking Areas).
2. A minimum 100-foot setback shall be maintained between loading/unloading areas, driveways and parking areas and adjacent residential properties.
3. Driveway access design shall ensure compliance with State and County sight distance requirements and shall safely accommodate truck maneuvers. Driveway access improvements shall not inhibit or diminish the effectiveness of landscape mitigation required in compliance with Section 35.28.070 (Carpinteria Agricultural (CA) Overlay). To the maximum extent feasible, the design and scale shall be consistent with the rural character of the area.
4. Truck deliveries and employee parking shall be accommodated onsite.

35.36.100 - Standards for Residential Zones and Uses

A. Location. Required residential parking spaces shall be provided on the same site that the dwelling is located, except as provided in Subsection J. (Medium and High Density Student Residential (SR-M) and (SR-H) zones) below. For dwelling units containing two or more bedrooms in multiple-family residential developments, spaces shall be located within 200 feet of the dwelling that the space serves.

B. R-1/E-1 and R-2 zones.

1. **Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.
2. **Overnight parking of commercial vehicles.** For one-family and two-family dwelling units located on property zoned either R-1/E-1 or R-2, not more than one bus or nonpassenger motor vehicle or trailer used in commerce may be parked overnight on a lot. The bus, motor vehicle, or trailer shall not exceed two axles, four tons, or eight feet in height. This restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pickup, or delivery or construction vehicles or trailers when occasional overnight parking is reasonably serving the residential use of a particular lot.

C. One-Family Exclusive Residential (EX-1) zone. Required parking shall be provided with adequate provisions for ingress from and egress to the street at the time the main structure is constructed or enlarged or at the time a guesthouse is erected.

D. Design Residential (DR) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other parking areas.
2. **Encroachment prohibited Inland.** ~~Within the Inland Area only, 4~~Laundry facilities located in a garage for a dwelling unit shall not encroach upon parking.
3. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened in compliance

with Subsection [35.34.060.A](#) (Design Residential (DR) zone) above, and [Section 35.34.100](#) (Landscaping Requirements for Parking Areas).

4. **Location.** Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.
5. **Setbacks.** Uncovered parking areas shall not be located closer than 15 feet to the street right-of-way line and closer than five feet to any other property line.
6. **Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.
7. **Common parking areas.** Preservation and maintenance of common parking areas shall be in compliance with [Section 35.23.060](#) (DR Zone Standards).

E. Mobile Home Planned Development (MHP) zone, ~~Inland area.~~

1. Storage areas for recreational vehicles shall be screened by landscaping and fencing for security purposes. Minimum dimensions for each storage space shall be 10 feet by 20 feet.
2. Common parking areas may be provided but shall not be located closer than 10 feet to a mobile home site.
3. A minimum of one parking space shall be located on each individual site. One additional space may be located in a common parking area located within the mobile home development. Tandem parking is allowed if two spaces are provided within an individual site.
4. Preservation and maintenance of common parking areas shall be in compliance with Subsection [35.23.080.F](#) (Open Space).
5. Common parking areas shall be landscaped in compliance with Subsection [35.34.060.B](#) (Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone) and [Section 35.34.100](#) (Landscaping Requirements for Parking Areas).

F. Mobile Home Subdivisions (MHS) zone ~~Inland area.~~

1. Storage areas for recreational vehicles shall be screened by landscaping and fencing for aesthetic and security purposes.
2. Common parking areas shall not be located closer than 10 feet to a lot line.
3. A carport or garage shall be set back a minimum of 15 feet from the front line of the lot on which it is located.
4. A minimum of one parking space shall be located on each individual site. One additional space may be located in a common parking area located within the mobile home subdivision.
5. Preservation and maintenance of common parking areas shall be in compliance with Subsection [35.23.090.C](#) (Development Standards).
6. Common parking areas shall be landscaped in compliance with Subsection [35.34.060.B](#) (Mobile Home Planned Development (MHP) zone and Mobile Home Subdivision (MHS) zone) and [Section 35.34.100](#) (Landscaping Requirements for Parking Areas).

G. Multi-family Residential - Orcutt (MR-O) zone.

1. Parking shall be located in compliance with [Section 35.23.130](#) (Multi-family Residential - Orcutt).
2. Parking areas shall be landscaped in compliance with [Section 35.34.100](#) (Landscaping Requirements for Parking Areas).

H. Planned Residential Development (PRD) zone.

1. **Construction and design.** Parking areas shall be arranged to prevent through traffic to other

parking areas.

2. **Landscape/screening of parking areas.** Uncovered parking areas shall be screened and landscaped in compliance with Subsection 35.34.060.C (Planned Residential development (PRD) zone) and [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#).
3. **Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.

I. Medium and High Density Student Residential (SR-M) and (SR-H) zones.

1. Parking spaces may be provided onsite or within 500 feet of the lot on which the dwelling is located if the off-site parking area is permanently dedicated to the residential development.
2. Tandem parking shall be allowed on lots of 25 feet or less in width or to satisfy the parking requirements for legally nonconforming owner-occupied units.
 - a. **Medium Density Student Residential (SR-M) zone.** Dual tandem parking may be allowed in a two-by-two arrangement for a total of four parking spaces.
 - b. **High Density Student Residential (SR-H) zone.** Tandem parking shall be limited to one space behind another for a total of two parking spaces.
3. Parking lots, carports, and garages designed and used for individual units within a development may be either adjacent to the units or centrally located to serve a group of units.
4. A one-foot encroachment into each side setback area shall be allowed for parking on lots of 25 feet or less in width.
5. Design:
 - a. Parking areas shall be arranged so as to prevent through traffic to parking areas on other lots.
 - b. Uncovered parking areas accommodating more than five vehicles located between the main structure and an abutting street shall be screened from the street and from adjacent property by an ornamental masonry wall or screen planting or both.
6. The parking standards required by this Subsection shall not be subject to modification as provided in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or [Section 35.82.080 \(Development Plans\)](#).
7. Parking shall be allowed in the front setback areas on lots located on the bluff in the SR-M zone only, provided a minimum of five feet is maintained between the right-of-way line of the adjacent street and the parking area.
8. Up to 30 percent of the required number of parking spaces may be provided as compact car spaces.
9. One unenclosed and one enclosed, permanently maintained and secure bicycle storage space shall be provided for each bedroom and/or studio apartment.

J. Small Lot Planned Development (SLP) zone.

1. Parking spaces may be allowed on individual lots or one parking space may be provided on each lot and the other parking space may be located in common parking areas located throughout the SLP development.
2. Common parking areas shall not be located closer than 10 feet to a lot line.
3. A carport or garage shall be set back a minimum of 15 feet from the front lot line on which it is located.
4. Common parking areas shall be landscaping in compliance with Subsection 35.34.060.D (Small Lot Planned Development (SLP) zone) and [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#).

5. Preservation and maintenance of common parking areas shall be in compliance with Subsection [35.23.110.C \(Open Space\)](#).
6. Storage parking areas for recreational vehicles shall be screened by landscaping and fences for aesthetic and security purposes.
7. The numeric parking requirement for the storage of recreation vehicles provided in [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#) above, may be modified if the review authority makes one of the following findings:
 - a. There is adequate provision for parking for recreational vehicles on individual lots; or
 - b. Opportunities for such parking exist within a reasonable distance of the SLP development; or
 - c. Adequate standards for such parking are provided in the CC&R's for the SLP development.

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

1. **Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
 - b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.
2. **Limitation on number.**
 - a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
 - (1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (b) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that:

- (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
- (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
- (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
- (d) A recreational vehicle shall not be parked within a front setback area.

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

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

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
 - (a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.
- (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.

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

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

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

approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

5. **Noncompliance deemed a violation of this Development Code.** The parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) as allowed by Subsection K.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

35.36.110 - Standards for Nonresidential Zones and Uses

- A. **Compact spaces.** Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces.
- B. **Location.** For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the principal structure, or site if there is no principal structure, as measured along streets excluding alleys, except as provided in Subsection D. (Limited Commercial (C-1) zone) ~~and Subsection E. (Retail Commercial (C-2) zone, Coastal Zone)~~ below.
- C. **Off-street loading facilities.** Off-street loading facilities shall be in compliance with the following standards:
 1. **Number of loading spaces.** For every newly constructed structure to be occupied by commercial or industrial uses requiring the receipt or distribution by vehicles of materials and merchandise (e.g., manufacturing, storage, warehouse, retail store, wholesale store, market, restaurant, hotel, hospital, mortuary, laundry, dry cleaning), off-street loading spaces shall be provided as follows:
 - a. **Commercial Uses:**
 - 3,000 or more square feet gross floor area - 1 loading space
 - b. **Industrial Uses:**
 - 10,000 to 24,999 square feet gross floor area - 1 loading space
 - 25,000 to 49,000 square feet gross floor area - 2 loading spaces
 - For each additional 50,000 square feet or major fraction thereof - 1 loading space
 2. **Dimensions.** Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.
 3. **Setback restrictions.** The space may not be located in any part of any required front or side setback.
 4. **Safety.** The space shall be designed to ensure that it will not interfere with vehicular circulation, parking, or with pedestrian circulation.
- D. **Limited Commercial (C-1) zone.** Required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts as long as the spaces provided are within a distance of no greater than 500 feet as measured along streets, not alleys, from the property line, subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.
- ~~E. **Retail Commercial (C-2) zone, Coastal Zone.**~~
 - ~~1. **Parking requirements.** The minimum parking requirement shall be one parking space for each 500 square feet, or fraction thereof, of gross floor area, except that when the gross floor area of the proposed structures and proposed addition to existing structures is less than 5,000 square feet. Before the Coastal Development Permit is approved, the Director shall review the adequacy of the proposed parking spaces and may:~~

- ~~a. Reduce the parking spaces required down to one parking space for each 750 square feet, or fraction thereof, if the Director finds that the proposed use requires fewer parking spaces or that there are off lot or off premise parking spaces available in the area on public streets or land permanently committed to parking, or~~
- ~~b. Increase the parking spaces required up to one parking space for each 250 square feet, or fraction thereof, if the Director finds that the proposed use requires more parking spaces or that there are inadequate off lot or off premise parking spaces available in the area on public streets or land permanently committed to parking.~~
- ~~e. If the required parking spaces are reduced by the Director because of the proposed use, a subsequent change of use shall provide the parking spaces required by this Section, unless reduced by the Director.~~

~~2. Required spaces shall be provided as follows:~~

- ~~a. On the same lot or premises as the main structure;~~
- ~~b. In public or private parking lots permanently committed to parking within 500 feet of the property line of the lot or premises on which the main structure is located, as measured along streets not alleys; or~~
- ~~e. In publicly owned parking lots of legally constituted Parking Districts subject to approval of the availability of the parking spaces by the Parking District Governing Board and the Director.~~

FE. ~~Retail Commercial (C-2) zone, Inland area.~~ Required parking spaces may be provided in publicly owned parking lots of legally constituted Parking Districts subject to approval of the availability of the parking spaces by the Parking District Governing Board and Director.

GF. **Highway Commercial (CH) - Agricultural product sales.** A minimum of two parking spaces shall be provided. Parking spaces shall be located no closer than 20 feet to the right of way of any street.

HG. **Community Mixed Use - Los Alamos (CM-LA) zone.**

1. **Design.** Parking areas on adjacent lots should be designed to allow shared use of parking and through traffic to adjacent lots.
2. **Location.** Required onsite parking for residential uses shall be located behind buildings and be visually screened as viewed from the street. Parking in garages shall be designed so vehicle storage area entrances are not visible from the public right-of-way.
3. **Required number of spaces - residential.**
 - a. **Projects with three or more dwelling units.** Minimum of one space per dwelling unit.
 - b. **Projects with two or fewer dwelling units.** Onsite parking is not required for projects containing two or fewer residential units. However, on-street parking shall be demonstrated to be available within 200 feet of the lot as measured along the streets not alleys, from the property line, subject to approval of the Director.
4. **Required number of spaces - nonresidential.** The provision of onsite parking for commercial use is not required, however, it may be provided.
5. **Parking Space Size.** Onsite parking shall be in compliance with Section 35.36.080.
6. **Driveways.** All driveways shall comply with the following:
 - a. Driveways shall be a minimum width as required by the Fire Department.
 - b. Driveways shall not access Bell Street. An exception shall only be granted to key lots in existence as of March 18, 2011 with no other access to the street.

c. If feasible, driveways shall not be located within 40 feet of a street intersection.

H. **Resort/Visitor Serving Commercial (C-V) zone.** The Commission may require additional parking for projects that provide for public access to and use of recreational facilities or open space.

J. **Shopping Center (SC) zone.** For uses which do not require a Conditional Use Permit there shall be at least one parking space per 200 square feet of net floor area or fraction thereof enclosed within a building or used for outdoor storage or sales space.

K. **Professional and Institutional (PI) zone.** The required spaces for offices shall be one parking space for each 200 square feet of floor space.

L. **Public Works and Utilities and Private Service Facilities (PU) zone.** Roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.

35.36.120 - Standards for Mixed Use Zones and Uses

A. Mixed Use (MU) zone.

1. **Residential screening.** Uncovered parking areas shall be screened in compliance with Subsection [35.34.090.A](#) (Mixed Use (MU) zone) and [Section 35.34.100](#) (Landscaping Requirements for Parking Areas).
2. **Conjunctive use of parking facilities.**
 - a. For the purpose of this Section, conjunctive use shall be defined as the joint use of parking spaces for two or more land uses where the hours of operation and demand for parking require that the parking spaces can be used by the individual uses at different times of the day or week, and can serve more than one use. The intent is to provide for possible reduction in the number of parking spaces ordinarily required for two or more land uses and the sharing of parking spaces under a set of unique circumstances, including the compatibility of the land uses, adjacent properties, and lack of need for separate parking facilities.
 - b. A Conditional Use Permit shall be required for the joint use of parking spaces, in compliance with [Section 35.82.060](#) (Conditional Use Permits and Minor Conditional Use Permits). The Conditional Use Permit shall be subject to the following requirements:
 - (1) The applicant shall demonstrate a need for parking spaces required for the individual uses according to the parking regulations in this Chapter. The applicant shall state the type of use proposed, time period of operation, and other necessary information to demonstrate that the joint use of parking spaces will not create traffic congestion or be detrimental to surrounding uses.
 - (2) In cases where the required number of parking spaces for individual uses differs, the parking requirement that is greater shall become effective.
 - (3) The applicant shall submit a title report for the lot proposed for conjunctive parking use and an agreement between the owners of record of the lot and prospective users. This agreement shall obligate the lot for conjunctive parking use, clearly define the obligation of each party to the agreement, and be recorded in the Santa Barbara County Recorder's Office. The Agreement shall provide that any modification to the terms of the Conjunctive Use Agreement shall be subject to Commission approval.
 - (4) Violation of the Conditional Use Permit shall be grounds for revocation of the joint parking use.
3. Off-street parking is prohibited in front of the building between the building and the street right-of-way line of a road having a roadway classification of P2 or 2 Lane Expressway on the circulation map for a Community Plan area.

B. Old Town Residential/Light Commercial (OT-R/LC), Old Town Residential/General Commercial (OT-R/GC) and Old Town Residential (OT-R).

1. **One-family and two-family dwellings.** Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA-OTO) zone) below for lots located within the PA-OTO Overlay, parking for structures containing only one- family or two-family residential uses within the OT-R/LC, OT-R/GC and OT-R zones shall be provided in compliance with [Section 35.36.080 \(Standards for All Zones and Uses\)](#) above, and [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#) above.
2. **Multiple dwelling units.** Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA-OTO) zone) below for lots located within the PA-OTO Overlay, parking for multi-family residential development within the OT-R/LC, OT-R/GC and OT-R zones shall be provided in compliance with [Section 35.36.080 \(Standards for All Zones and Uses\)](#) above, and [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#), above.
3. **Commercial uses only.** Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA-OTO) zone) below for lots located within the PA-OTO Overlay, parking for structures containing only commercial uses shall be provided in compliance with [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#), above.
4. **Commercial and residential use.** Except as provided in Subsection C. (Old Town Orcutt Pedestrian Overlay (PA-OTO) zone) below for lots located within the PA-OTO Overlay, parking for structures containing both commercial and residential uses shall be provided as applicable to each use in compliance with [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#) above, and [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#) above.
5. **Landscaping.** All parking areas shall be landscaped in compliance with Subsection [35.34.090.B](#) (Old Town (OT) zones) and [Section 35.34.100 \(Landscaping Requirements for Parking Areas\)](#).

C. Old Town Orcutt Pedestrian Overlay (PA-OTO) zone.

1. **Two-family and multiple dwelling units.** In the delineated Core Pedestrian Area or Peripheral Pedestrian Area, the parking requirements for two-family or multiple dwelling units shall be one space per residential unit and no guest parking shall be required.
2. **Commercial uses only.** Parking requirements for structures containing only commercial uses shall be in compliance with [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#), subject to the following exceptions:
 - a. In the delineated Core Pedestrian Area, no onsite parking spaces are required.
 - b. In the delineated Peripheral Pedestrian Area, onsite parking requirements shall be reduced by 50 percent.
3. **Commercial and residential use.** Parking requirements for structures containing both commercial and residential uses shall be as applicable to each use as provided in Subsections C.1 (Two-family and multiple dwelling units) and C.2 (Commercial uses only) above.
4. **Additional design and location requirements.**
 - a. **Core Pedestrian Area.**
 - (1) **New development.** No vehicular access shall be allowed via curb cuts and/or driveways on Clark Avenue and Broadway Avenue to new development projects except for one-family and two-family dwellings. If applicable, required onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible. Development on lots containing no alley or street frontage other than Broadway, Clark Avenue or Foxenwood Lane shall be exempt from the specific parking access requirements of the Core Pedestrian Areas.

- (2) **Renovations, additions or expansions.** Renovations to, additions to, or expansions of existing multi-family residential, mixed-use, and commercial development projects not resulting in an increase of 1,000 square feet or more than 10 percent of approved site coverage, shall be exempt from the specific parking access requirements of the Core Pedestrian Area.

b. Peripheral Pedestrian Area.

- (1) **New development.** Vehicular access to new multi-family residential, mixed-use, and commercial development projects via curb cuts and/or driveways on Clark Avenue and Broadway Avenue shall be avoided where feasible. Onsite parking areas shall be located at the rear of structures and shall be designed so as to take access off side streets and/or alleys to the maximum extent feasible.
- (2) **Renovations, additions or expansions.** Renovations to, additions to or expansions of existing multi-family residential, mixed-use, and commercial development projects not resulting in an increase of 1,000 square feet or more than 10 percent of approved site coverage, shall be exempt from the specific parking access requirements of the Peripheral Pedestrian Area.

**Table 3-8 - Parking Dimensions
One-Way Traffic (All Dimensions in Feet)**

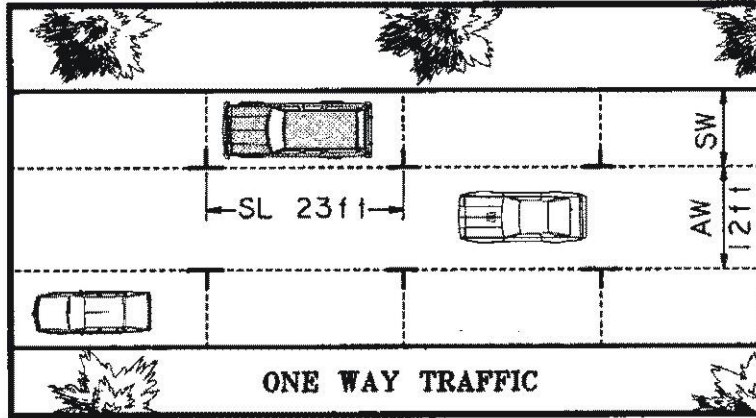
Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	24.0	25.0	25.0	36.0	38.5	38.5	33.5	36.0	36.0	31.0	33.0	33.0
35	24.5	26.0	26.0	37.5	40.5	40.5	35.5	38.0	38.0	33.0	35.5	35.5
40	25.5	26.5	26.5	39.0	42.0	42.0	37.0	40.0	40.0	35.0	37.5	37.5
45	26.0	27.5	27.5	40.5	43.5	43.5	38.5	41.5	41.5	36.5	39.0	39.0
50	26.5	28.0	28.0	41.5	45.0	45.0	39.5	43.0	43.0	38.0	41.0	41.0
55	27.0	29.0	28.5	42.5	46.5	46.0	40.5	44.5	44.0	39.0	42.5	42.0
60	28.0	31.5	30.0	43.5	49.5	48.0	42.0	47.5	46.5	41.0	46.0	45.0
65	30.0	34.0	33.0	46.0	52.0	51.0	44.5	51.0	48.5	43.5	49.5	48.0
70	32.0	36.5	35.0	48.0	54.5	53.0	47.0	53.5	52.0	46.0	52.5	51.0
75	34.0	38.5	37.5	50.0	56.5	55.5	49.0	56.0	54.5	48.5	55.0	54.0
80	36.0	41.0	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.

**Table 3-9 - Parking Dimensions
Two-Way Traffic (All Dimensions in Feet)**

Angle	W1			W2			W3			W4		
	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width	8.0' Stall Width	8.5' Stall Width	9.0' Stall Width
30	32.0	33.0	33.0	44.5	47.0	47.0	42.0	44.5	44.5	39.5	41.5	41.5
35	33.0	34.0	34.0	46.0	40.5	40.5	44.0	46.0	46.5	41.5	43.5	43.5
40	33.5	35.0	35.0	47.5	50.5	50.5	45.5	48.0	48.0	43.0	45.5	45.5
45	34.5	35.5	35.5	48.5	52.0	52.0	47.0	50.0	50.0	45.0	47.5	47.5
50	35.0	36.5	36.5	50.0	53.0	53.0	48.0	51.0	51.0	46.5	49.0	49.0
55	35.5	37.0	37.0	50.5	54.0	54.0	49.0	52.5	52.5	47.5	50.5	50.5
60	35.5	37.0	37.0	51.5	55.0	55.0	50.0	53.5	53.5	48.5	52.0	52.0
65	35.5	37.5	37.5	51.5	55.5	55.5	50.5	54.0	54.0	49.5	52.5	52.5
70	36.0	37.5	37.5	51.5	55.5	55.5	51.0	54.5	54.5	50.0	53.5	53.5
75	36.0	38.5	37.5	51.5	56.5	55.5	51.0	56.0	54.5	50.0	55.0	53.5
80	36.0	41.5	39.5	51.5	58.5	57.5	51.0	58.0	57.0	50.5	57.5	56.5
85	37.5	42.5	41.5	53.0	60.0	59.0	52.5	60.0	58.5	52.5	59.5	58.5
90	39.0	44.5	43.5	54.0	61.5	60.5	54.0	61.5	60.5	54.0	61.5	60.5

Note: Specifications for any parking angle not specifically enumerated can be determined by interpolation from the above table.



SL=STALL LENGTH SW=STALL WIDTH AW= AISLE WIDTH

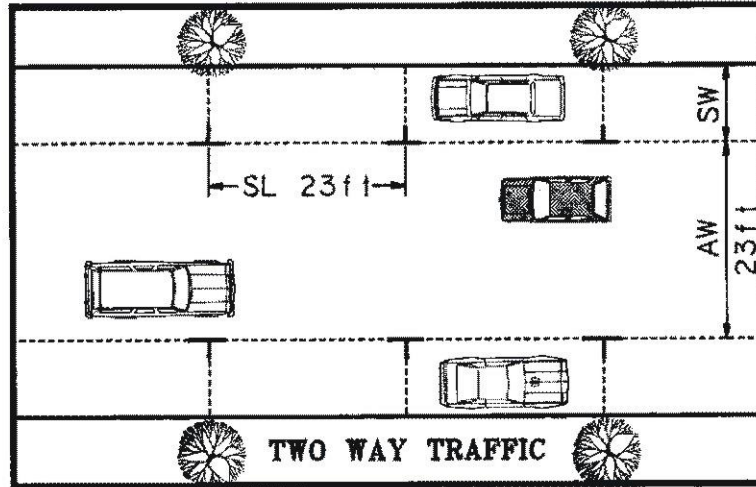


Figure 3-8 – Parallel Parking Diagram

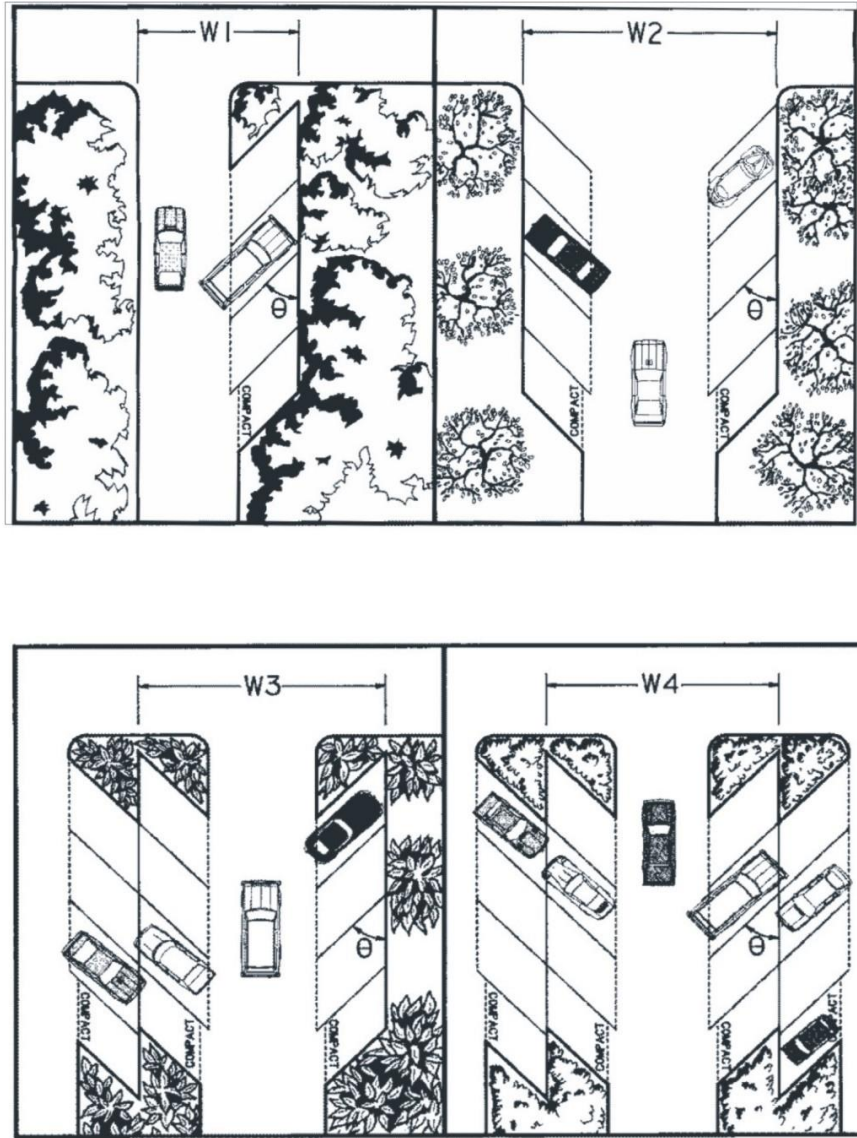


Figure 3-9 – Angle Parking Diagram -- One Way Traffic

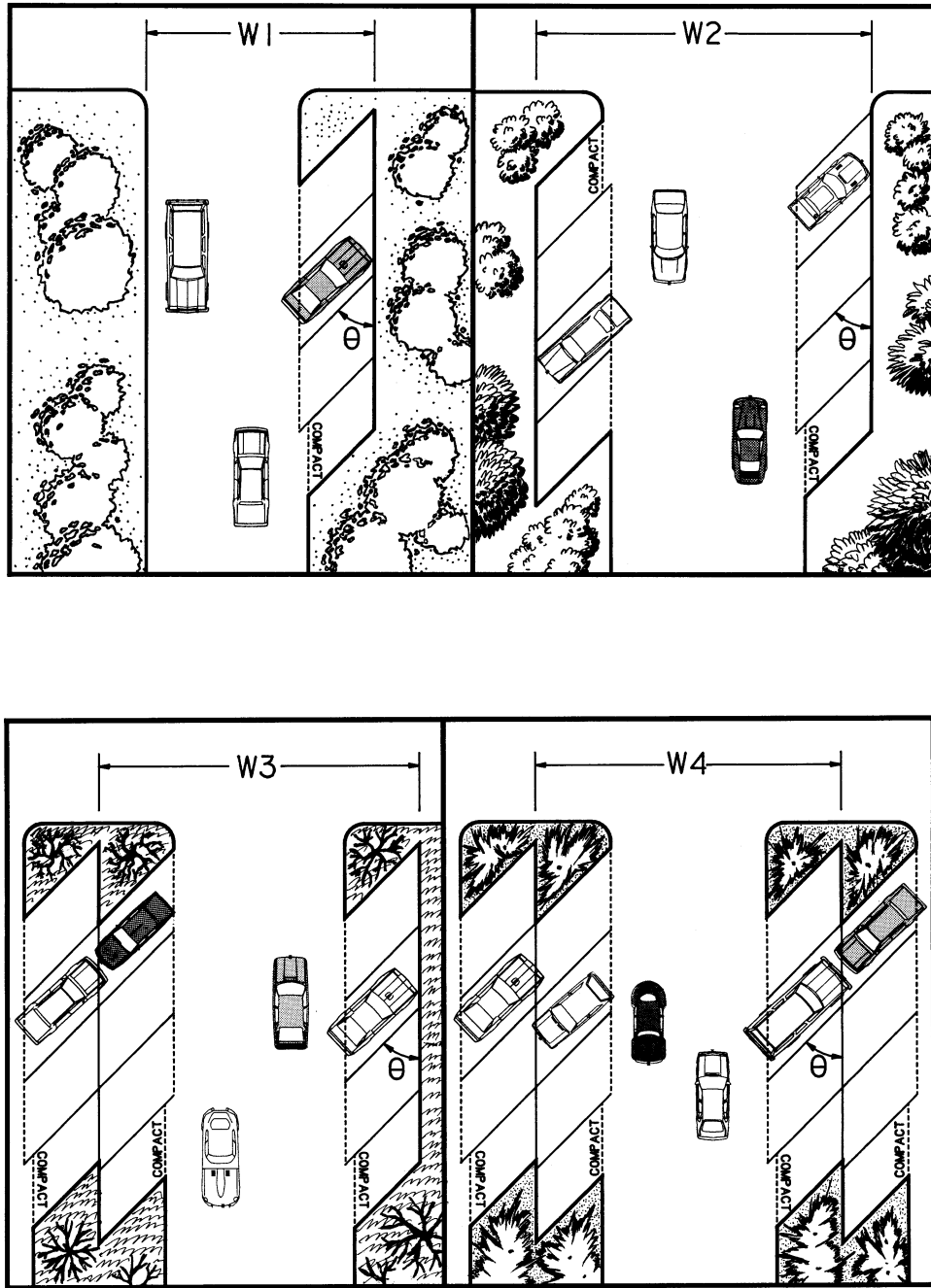


Figure 3-10 – Angle Parking Diagram -- Two Way Traffic

CHAPTER 35.37 - REASONABLE ACCOMMODATION

Sections:

[35.37.010 - Purpose](#)

[35.37.020 - Applicability](#)

[35.37.030 - Notice of Availability of Accommodation Process](#)

[35.37.040 - Contents of Application](#)

[35.37.050 - Processing](#)

[35.37.060 - Findings Required for Approval](#)

[35.37.070 - Effect of An Approved Reasonable Accommodation on Other Project Applications](#)

35.37.010 - Purpose

- A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.37.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.37.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.37.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
- B. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 2. The regulation or procedure from which accommodation is being requested.
 3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

35.37.050 - Processing**A. Review authority and processing procedures.**

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.

- c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
- d. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Section 35.37.060 (Findings Required for Approval) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with Section 35.82.130 (Modifications) or Variance in compliance with Section 35.82.200 (Variances) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with Section 35.37.060 (Findings Required for Approval).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.**35.37.060 - Findings Required for Approval**

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

- A. The project that is the subject of the request for reasonable accommodation:
 1. Conforms to the applicable provisions of the Comprehensive Plan including applicable community and area plans.
 2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.
- B. The project that is the subject of the request for reasonable accommodation will be occupied as the

primary residence by an individual with a disability under the Acts.

- C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
- D. The accommodation will not impose an undue financial or administrative burden on the County and the community.
- E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.
- F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.
- G. Any adverse impact that results from the accommodation is minimized to the extent feasible.
- H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.
- I. The project that is the subject of the request for reasonable accommodation.
 - 1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 - 2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 - 3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
 - 4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.37.070 - Effect of an Approved Reasonable Accommodation on Other Project Applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35.82.070 (Design Review), then any approval or conditional approval of the project by the Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

CHAPTER 35.38 - SIGN STANDARDS

Sections:

- 35.38.010 - Purpose
- 35.38.020 - Prohibited Signs
- 35.38.030 - Exempt Signs, Flags, and Devices
- 35.38.040 - Permit Requirements
- 35.38.050 - Requirements for All Signs
- 35.38.060 - Signs Allowed in All Zone
- 35.38.070 - Signs Allowed in Agricultural Zones
- 35.38.080 - Signs Allowed in Residential Zones
- 35.38.090 - Signs Allowed in Commercial and Industrial Zones Outside of Shopping Centers
- 35.38.100 - Signs Allowed in Shopping Centers
- 35.38.110 - Signs Allowed in Heavy Commercial and Heavy Industrial Zones Outside of Shopping Centers
- 35.38.120 - Nonconforming Signs
- 35.38.130 - Violation and Enforcement of Sign Regulations
- 35.38.140 - Special Sign Standards for Summerland

35.38.010 - Purpose

This Chapter provides standards that balance the legitimate private purpose of signs (e.g., the identification and promotion of the seller to the buyer) with the public purpose of protection of the health, safety and welfare of the County. Public purposes most directly expressed in the regulation of signs in the County are traffic safety as related to the diversion of a vehicle driver's attention from the road and the economic and aesthetic welfare of the County as related to existing and future economic interests that depend in large measure upon the County's ability to maintain its well-established reputation as an attractive area, both as to natural and man-made features, in which to visit and to live.

See "Signs" within [Article 35.11 \(Glossary\)](#) for definitions related to signage as used within this Chapter.

35.38.020 - Prohibited Signs

The following signs are prohibited in all zones within the unincorporated area of the County.

- A. Animated signs.
- B. Marquee signs.
- C. Portable signs.
- D. Roof signs.

35.38.030 - Exempt Signs, Flags, and Devices

The following signs, flags, and devices are exempt from the provisions of this Chapter:

- A. Flags of a governmental entity (e.g., United States, California, Santa Barbara County, municipalities within Santa Barbara County, other governmental entities).
- B. Signs and devices erected by a governmental entity, including public schools.
- C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).
- D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- E. Signs located entirely within structures.

35.38.040 - Permit Requirements

A. Permit requirements.

1. Sign Certificate of Conformance required.

- a. Except for the exempt signs identified in [Section 35.38.030 \(Exempt Signs, Flags, and Devices\)](#) above, and the signs identified in Subsection 1.c below, a sign shall not be erected, applied, installed, affixed, altered, relocated, or projected as an image and a copy shall not be changed without a Sign Certificate of Conformance issued in compliance with [Section 35.82.170 \(Sign Certificates of Conformance\)](#) and if required, [Section 35.82.150 \(Overall Sign Plan\)](#).
- b. Sign Certificates of Conformance are not required to change the copy in an approved changeable copy sign and off-site sign or to repair, maintain or clean an existing sign.
- c. The following signs shall comply with the regulations of this Chapter but may be erected, installed, affixed, altered, or relocated without a Sign Certificate of Conformance:
 - (1) For sale, lease, or rent signs.
 - (2) Farm organization signs.
 - (3) Sale of farm products signs.
 - (4) Combination farm signs.
 - (5) Temporary identification signs for recorded subdivisions.

2. **Application.** The required permit application shall be filed in compliance with [Section 35.80.030 \(Application Preparation and Filing\)](#).

35.38.050 - Requirements for All Signs

A. Architectural projections and sign structures.

1. Architectural projections or sign structures shall not increase the number or area of allowed signs, nor shall they be used as a device that is, in itself, a sign, unless the sign is allowed under this Chapter.
2. Sign structures shall be free of unsightly supporting features (e.g., bracing, angle iron, guy wires, and cables).

B. Height and setback requirements. Signs and sign structures shall meet the height and setback regulations of the specific zone in which they are located. Freestanding signs are structures for the purposes of the Development Code.

C. Measuring sign area. In applying the sign area standards of this Chapter, the periphery of the sign shall be established by drawing not more than eight straight lines encompassing the extremities of the sign within the smallest possible area. In the case of freestanding signs, the entire background area shall be included in the sign area measurements. In the case of a double-faced sign, only one face of the sign shall be included in the sign area measurement. Supporting structures so designed to perform an advertising function shall be included in the sign area. In the case of wall signs, the background area shall be included in the sign area measurements only if it is of a distinctive color, material, texture, or shape, the primary purpose of which is to enhance the advertising value of the sign, as determined by the Director.

D. Measuring sign height. The height of a sign is the vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

E. Measuring street frontage. If the property abuts two or more streets, the length of the street frontage of the street carrying the greatest amount of traffic shall be used to determine if the property may be allowed

to have freestanding sign unless the traffic is equal on two or more streets, in which case the length of the longest street frontage shall be used.

35.38.060 - Signs Allowed in All Zones

A. Changeable copy signs

1. **Religious institutions.** Each religious institution may be allowed one onsite changeable copy sign using perimeter lighting, not exceeding 24 square feet in area, and not exceeding a height of 10 feet above ground level.
2. **Service stations.** Service stations may utilize changeable copy only for displaying gas prices.

B. Construction signs. On a building site during construction and to be removed prior to final building inspection: one onsite, temporary, unlighted sign not exceeding eight square feet.

C. Directional and informational signs.

1. County owned official signs in compliance with the following:

- a. The content, design, shape and size, shall be subject to final approval by the Board; however, in no case shall such signs exceed 400 square feet in total area for any one sign.
- b. The informational content of the sign shall be limited to the name of the area within the County, its distance from the sign and other directional and informational matter designed to inform the traveling public of the accommodations, points of interest, or resources existing in the area.
- c. The sign shall not mention, or be used in any way to for the advertising of any individual business.
- d. The sign shall be placed so as to be visible by the traveling public but shall not be placed as to interrupt a traveler's view of the skyline from the highway or obstruct any desirable view of the public from the highway.
- e. Signs within 10 miles of any area or within 10 miles of the point of departure from the freeway to such area will be allowed in each of two directions from the area.
- f. It is the Board's intention that such signs will be few in number, simple in content, no larger than is necessary to accomplish the purpose, aesthetically pleasing, and that they will genuinely add the public in providing needed information concerning County resources.
- g. Such signs shall be constructed or installed only along freeways within the unincorporated area of the County.
- h. Prior to any installation, construction, moving, removing, replacing, destruction, modification, or redesigning of any such official signs, the Board shall hold a public hearing in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

2. Other directional and informational signs.

- a. Subject to obtaining a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) that specifies the size and location of the directional and informational signs.
- b. Limited to those which, in the opinion of the review authority, are necessary to direct or inform the public as to the location of:
 - (1) Publicly owned facilities.
 - (2) Governmentally (i.e., federal, state, county, or municipality) designated historical points of interest.

- (3) Hospitals.
 - (4) Service Club Meetings.
 - (a) The review authority may require that the permittee erect a structure designed to hold more than one service club sign.
 - (b) The permittee shall allow additional service club signs to be placed on the same structure when so required by the review authority.
 - (5) Onsite or off-site parking areas if the location is not readily apparent to the public.
- D. Entrance/exit signs.** One onsite sign for each entrance and exit but not exceeding three feet in height and two square feet in sign area. The sign may be freestanding.
- E. Institutional signs.** Each facility shall be allowed one onsite institutional sign not exceeding 20 square feet in area.
- F. Safety sign.** Onsite signs, not exceeding two square feet in sign area, and subject to the approval of the Director as to the necessity for, number, location, and height of these signs.
- G. Subdivision signs.** For each subdivision of five or more lots where the Tentative Map has been approved by the County, the following signs shall be allowed.
- 1. One temporary onsite advertising sign.**
 - a. Not exceeding 32 square feet in area.
 - b. Allowed for a one-year period.
 - 2. One additional temporary onsite advertising sign.**
 - a. Where the subdivision abuts upon two or more streets that do not intersect at or near the subdivision.
 - b. Subject to the same conditions as the first sign.
 - 3. Not to exceed three temporary off-site directional and informational signs.**
 - a. Each not exceeding 12 square feet in area.
 - b. Allowed for a one-year period.
 - 4. One temporary lot identification sign.**
 - a. For each undeveloped lot in the subdivision.
 - b. Not exceeding one square foot in area.
 - c. Containing only the subdivision lot number.
 - d. Allowed until the lot is sold.

35.38.070 - Signs Allowed in Agricultural Zones

- A. Farm organization signs.**
1. Two onsite signs.
 2. Each sign not to exceed four square feet in sign area.
- B. Sale of farm products signs.**
1. Advertising the allowed sale of farm products grown on the premises.
 2. One onsite, freestanding sign not to exceed 25 square feet in sign area.

C. Identification signs.

1. Limited to identifying a ranch, farm, or other use existing and permitted on the property.
2. Two onsite signs, each not to exceed 25 square feet in sign area.

D. Combination farm signs.

1. One for each farm or ranch.
2. An onsite, freestanding sign not to exceed 25 square feet in sign area.

E. For sale, lease, or rent signs.

1. To advertise the sale, lease, or rent of a farm or ranch.
2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.

35.38.080 - Signs Allowed in Residential Zones**A. For sale, lease, or rent sign.**

1. On a residential lot except for the initial sale in a subdivision.
2. One temporary, onsite, unlighted sign not exceeding six square feet in sign area.

B. Identification sign.

1. Limited to wall signs.
2. Not to exceed two square feet of sign area per residential dwelling unit.
3. Not to exceed a total of 20 square feet of sign area per building.

C. Gate or entrance sign.

1. Not to exceed two signs at any one entrance.
2. Not to exceed 20 square feet in aggregate sign area at any one entrance.
3. Subject to issuance of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.38.090 - Signs Allowed in Commercial and Industrial Zones Outside of Shopping Centers

A. Identification and gate or entrance signs. Identification signs and gate or entrance signs in compliance with Subsection [35.38.080.B](#) (Identification sign) and Subsection [35.38.080.C](#) (Gate or entrance sign) above.

B. For sale, lease, or rent signs.

1. To advertise the sale, lease, or rent of a lot or premises.
2. One temporary, onsite, unlighted sign not to exceed 25 square feet in sign area.

C. Wall signs.

1. For each enterprise, one on each street frontage.
 - a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.
 - b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the

enterprise.

- c. Each sign shall not exceed 100 square feet in sign area unless a Sign Modification is approved in compliance with [Section 35.82.180 \(Sign Modification\)](#).
- d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used on a wall sign and wall signs may exceed the allowed size subject to the approval of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

D. Under canopy signs.

1. One for each enterprise having entrance under or offering service under the canopy.
2. Not exceeding six square feet in sign area.
3. Lower edge of the sign shall be at least eight feet above finished ground level.

E. Projecting signs.

1. One projecting sign on each street frontage consisting of only a symbol with or without words relating to the activity on the premises.
2. Shall not project more than three feet beyond the structure façade.
3. Shall not exceed three square feet in sign area.
4. The lower edge of the sign shall be at least eight feet above finished ground level.
5. Shall not be lighted.

F. Arcade signs.

1. One sign per street frontage may be located on an arcade where an arcade obstructs the view from the street of a wall sign located under the arcade and the arcade exists under a valid encroachment permit.
2. Shall not exceed 10 square feet in sign area.
3. Shall not be lighted.

G. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection C. (Wall Signs) above, and Subsection H. (Freestanding signs) below, menu boards for drive-through restaurants subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.
3. Free-standing menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a Sign Modification is approved in compliance with [Section 35.82.180 \(Sign Modification\)](#).

H. Freestanding signs.

1. One on each lot occupied by an enterprise, if the lot has a street frontage of at least 125 feet.
 - a. Not more than two separate signs may be placed on each freestanding sign structure.

- b. If only one sign is placed on a freestanding sign structure, it shall not exceed 100 square feet in sign area.
- c. If two signs are placed on a freestanding structure, the lower sign shall not exceed 20 square feet in sign area, and the total area of both signs shall not exceed 100 square feet. The lower sign area may be a changeable copy sign or a multiple copy sign.
- d. The height of a freestanding sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
- e. A part of the sign or supporting structure shall not project over the street right-of-way.
- f. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
- g. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on the freestanding sign. The sign may exceed the allowed size with approval of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.38.100 - Signs Allowed in Shopping Centers

- A. Conformance with Overall Sign Plan.** All signs located within a shopping center, except service station signs, shall conform to an Overall Sign Plan approved in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#). Signs for service stations may be allowed compliance with [Section 35.38.090 \(Signs Allowed in Commercial and Industrial Zones Outside of Shopping Centers\)](#).
- B. Wall signs.**
 1. For each enterprise, one on each frontage or an area open to the public.
 - a. The sign area on each frontage shall not exceed one-eighth of the square footage of the structure façade of that portion of the floor occupied by the enterprise and upon which façade the wall sign is to be located.
 - b. In the case where an enterprise occupies more than one floor of a structure, then the sign area shall not exceed one-eighth of the structure façade of that portion of one floor occupied by the enterprise.
 - c. Not to exceed a 100 square feet of sign area unless a larger sign area is allowed within an Overall Sign Plan approved in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).
 - d. For places of public entertainment or assembly where the public attraction is constantly changing (e.g., theaters, auditoriums, sports arenas) changeable copy may be used whether one or two signs are placed on wall signs and wall signs may exceed the permitted size with approval of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- C. Under canopy signs.**
 1. One for each enterprise having entrance under or offering service under the canopy.
 2. Not to exceed six square feet in area unless otherwise provided in the Overall Sign Plan approved in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).
 3. Lower edge of the sign shall be at least eight feet above finished ground level.

D. Projecting signs.

1. One for each enterprise on each street frontage to which the lot has access when specifically allowed in the Overall Sign Plan approved in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).
2. Sign copy shall consist of only a symbol, with or without words, relating to the activity on the premises.
3. Shall not project more than three feet beyond the structure façade.
4. Not to exceed three square feet in sign area.
5. Lower edge of the sign shall be at least eight feet above finished ground level.
6. Sign shall not be lighted.

E. Menu boards for drive-through restaurants. In addition to signs allowed in compliance with Subsection B. (Wall signs) above and Subsection F. (Freestanding signs) below, menu boards for drive-through restaurants shall be allowed subject to the following:

1. Not to exceed two onsite, single face signs.
2. Limited to locations adjacent to a vehicle queuing lane for the service point of the drive-through restaurant.
3. Freestanding menu boards shall not exceed eight feet in height as measured from the finished elevation of the vehicle queuing lane.
4. Menu board wall signs shall not exceed the height of the eave of the roof over the wall on which the sign is located.
5. Not to exceed 36 square feet in the total combined area of both signs unless a larger area is allowed in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).

F. Freestanding signs.

1. One for each shopping center if the shopping center has a street frontage of at least 125 feet, not including any street frontage occupied by a service station.
2. Not more than one sign may be placed on each freestanding sign structure.
3. Sign shall only identify the shopping center and may not advertise or identify an enterprise or service conducted or merchandise sold within the shopping center.
4. Changeable copy shall not be used.
5. Sign shall not exceed 100 square feet in area.
6. The height of the sign shall not exceed 30 feet. Height shall be measured from the centerline of the improved portion of the public right-of-way to which the property has access and more specifically, from that point in the centerline that is closest to the sign. If the sign is located an equal distance from several centerlines, the 30 feet shall be measured from the highest of these centerlines.
7. No part of the sign or sign structure shall project over the street right-of-way.
8. The base of the supporting structure shall comply with the front setback of the applicable zone and shall be set back at least five feet from the street right-of-way.
9. More than one freestanding sign, a larger sign, or a higher sign may be allowed in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).

35.38.110 - Signs Allowed in Heavy Commercial and Heavy Industrial Zones Outside of Shopping Centers

- A. Signs allowed.** The following signs may be allowed on lots zoned C-3, M-1 and M-2.
1. Signs shall be allowed in commercial and industrial zones outside of shopping centers as provided in [Section 35.38.090 \(Signs Allowed in Commercial and Industrial Zones Outside of Shopping Centers\)](#) above.
 2. **Off-site signs.** Off-site signs provided that off-site signs shall not have an advertising surface exceeding 12 feet, six inches in height nor 42 feet in width nor exceeding an overall height of 25 feet above the ground level below the sign. When warranted by unusual topographical conditions, a greater height may be allowed in compliance with [Section 35.82.180 \(Sign Modification\)](#).

35.38.120 - Nonconforming Signs

- A. Nonconforming signs.** A sign that was lawfully erected and maintained before May 28, 1970 or the effective date of any applicable amendment to sign regulations of this Chapter, including predecessor ordinances, but that does not comply with the provisions of this Chapter or any amendments, is a nonconforming sign.
1. "Lawfully erected" shall include:
 - a. Signs erected before a sign regulation was applicable to the property.
 - b. Signs erected in compliance with the then applicable sign regulations, but for which a permit or other clearance was not required.
 - c. Signs erected in compliance with an approved Development Plan, Sign Modification, Variance, or a Minor Conditional Use Permit.
 2. "Lawfully maintained" shall include:
 - a. Signs maintained in compliance with the applicable sign regulations existing immediately before May 28, 1970, including signs maintained in compliance with Development Plans, Sign Modification, Variances, or Minor Conditional Use Permits.
 - b. Signs maintained as nonconforming signs without a termination date under an operative amortization period.
 3. "Nonconformance" may include:
 - a. Sign use.
 - b. Type of sign.
 - c. Height.
 - d. Location.
 - e. Number.
 - f. Size.
 - g. Failure to comply with an approved Overall Sign Plan for a shopping center.
 4. "Nonconformance" does not include failure to obtain any permit or other clearance required at the time the sign was erected.
- B. Abatement.** Nonconforming signs may be continued and maintained for a nine-year period of amortization from the date of any amendment rendering them nonconforming. At the end of the nine-year amortization period, nonconforming signs lose their status as nonconforming signs and become illegal signs in violation of the provisions of this Chapter and shall be removed or brought into conformance by

obtaining a permit if allowed.

C. New signs during nine-year amortization period.

1. **Outside of shopping centers and for service stations.** In all zones, except for non-service station uses in shopping centers, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed on that lot, provided:
 - a. The signs will be in compliance with this Chapter.
 - b. When added together, the nonconforming and conforming signs on the lot will not exceed either the total number of signs or the total sign area for all signs allowed by this Chapter.
 - c. A Sign Certificate of Conformance if required, is issued by the Director.
2. **Within shopping centers, except for service stations, without an Overall Sign Plan.** If an Overall Sign Plan has not been adopted for a shopping center, during a nine-year amortization period, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, and the signs or copy may be maintained for the remainder of the amortization period provided:
 - a. A Sign Certificate of Conformance, if required, effective for the remainder of the nine-year amortization period is issued by the Director.
 - b. The signs, except for the nonconformance to an Overall Sign Plan, will be in conformance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual business or those of the management controlled common premises, will not exceed either the total number of the signs or the total sign area for all signs allowed by this Chapter.
3. **Within shopping centers, with an Overall Sign Plan.** If an Overall Sign Plan has been adopted for a shopping center, during a nine-year amortization period for nonconforming signs, signs may be erected, installed, affixed, altered, relocated, applied, and projected as an image and copy may be changed in the shopping center, provided:
 - a. A Sign Certificate of Conformance, if required, is issued by the Director.
 - b. The signs will be in compliance with this Chapter.
 - c. When added together, the nonconforming and conforming signs on the premises, either the premises of an individual or those of the management controlled common premises, will not exceed the total number of signs or the total sign area for all signs allowed by this Chapter.

35.38.130 - Violation and Enforcement of Sign Regulations

- A. **Violations.** A sign set up, applied, erected, constructed, altered, affixed, repaired, installed, relocated, enlarged, converted, maintained, or projected as an image contrary to the provisions of this Chapter, shall be and is declared to be unlawful and a public nuisance and shall be subject to the provisions of [Chapter 35.108 \(Enforcement and Penalties\)](#).
- B. **Enforcement.** Enforcement of the provisions of this Chapter shall be in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

35.38.140 - ~~Reserved~~ Special Sign Standards for Summerland

- ~~A. **Applicability.** Signs within the Commercial, Industrial, and Public Utility zones located within the Summerland Community Plan Area shall comply with the regulations of the other Sections of this Chapter, as well as the regulations of this Section. If there is a conflict, the regulations of this Section shall~~

apply.

B. — Allowed signs. Only those signs of each type listed below shall be allowed to be erected or maintained on any structure, or lot located in the Commercial, Industrial, and Public Utility Zones.

1. — Wall signs. One or more wall signs on each street frontage unlighted or indirectly lighted. These signs shall not exceed the lesser of the following areas:

- a. — One-tenth of the square footage of the structure façade of that portion of a single floor occupied by a business and upon which façade the wall sign is to be located; or
- b. — 60 square feet.

If more than one business occupies the same structure, the businesses may have separate signs or they may share the sign space, so long as the combined sign area does not exceed the allowed sign area.

2. — Identification signs. One identification sign, unlighted or indirectly lighted, not to exceed 10 square feet in area, and not more than five feet in height measured from the ground to the top of the sign, that identifies the business primarily being conducted on the premises.

3. — Banner signs. One banner sign, unlighted, not to exceed 16 square feet on the façade having street frontage of the structure occupied by the business. The banner sign may not be displayed for more than a rolling 30 days within a three-month period.

C. — Sign standards.

1. — Construction. The exposed face of signs shall be either of wood (painted and/or carved) or of painted non-gloss material. Signs of other material shall be deemed to be banner signs.

2. — Illumination. Illuminated signs shall be externally lit and the lighting source shall be shielded or situated so as not to cast stray light beyond the property line on which they are installed. The source of illumination shall be extinguishable at closing time of the business.

3. — Neon signs. Neon signs that comply with the following criteria may be approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review):

- a. — The sign is not within 100 feet of residentially zoned areas.
- b. — The sign does not face directly towards or is visible from residentially zoned areas.
- c. — The sign is compatible with other uses on the property and in the immediate vicinity.
- d. — The sign is appropriate for the type of structure.
- e. — The sign is appropriate for the type of business.
- f. — The sign is artistic and subtle in the design and execution.
- g. — The sign is secondary in size and purpose to the primary signage of the business.

D. — Prohibited signs. It shall be unlawful to erect or maintain:

1. — Internally illuminated signs. (e.g., fluorescent tube behind plastic panel).

2. — Flashing signs.

3. — Pole signs. Freestanding pole signs higher than five feet measured from the ground at the base of the supporting structure to the top of the sign.

ARTICLE 35.4

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CHAPTER 35.40 - RESERVED

CHAPTER 35.42 - STANDARDS FOR SPECIFIC LAND USES

Sections:

- 35.42.010 - Purpose and Applicability
- 35.42.015 - Accessory Dwelling Units
- 35.42.020 - Accessory Structures and Uses
- 35.42.030 - Agricultural Employee Dwellings
- 35.42.040 - Agricultural Processing Facilities
- 35.42.050 - Agricultural Product Sales
- 35.42.060 - Animal Keeping
- 35.42.070 - ~~Reserved~~ Aquaculture
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- 35.42.160 - Handicraft Industries
- 35.42.170 - Hazardous Waste Generators
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- 35.42.200 - Mixed Use Development
- 35.42.205 - Mobile Homes on Permanent Foundations
- 35.42.210 - Residential Agricultural Units
- 35.42.220 - Residential Project Convenience Facilities
- 35.42.230 - Reserved
- 35.42.240 - Rural Recreation
- 35.42.245 - Short-Term Rentals
- 35.42.250 - Small Animal Hospitals
- 35.42.260 - Temporary Uses and Trailers
- 35.42.270 - Vehicle Services
- 35.42.280 - Wineries

35.42.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#) within individual or multiple zones that require special standards.
- B. Applicability.** A land use and/or activity addressed by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Development Code.
 - 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).

2. **Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by [Article 35.2 \(Zones and Allowable Land Uses\)](#), except where a planning permit requirement is established by this Chapter for a specific land use.
3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in [Article 35.2 \(Zones and Allowable Land Uses\)](#) and [Article 35.3 \(Site Planning and Other Project Standards\)](#). In the event of any conflict between the requirements of this Chapter and those of [Article 35.2](#) or [Article 35.3](#), the requirements of this Chapter shall control. ~~Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.~~

35.42.015 – Accessory Dwelling Units

A. Purpose and intent. The purpose of this Section is to establish permit procedures and development standards for attached and detached accessory dwelling units in compliance with California Government Code Section 65852.2. The intent is to encourage the development of accessory dwelling units that contribute needed housing to the community's housing stock.

B. Applicability.

An application for an accessory dwelling unit may be approved on a lot as allowed in compliance with Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones), Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones), Tables 2-7 through 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones), Tables 2-14 and 2-15 (Allowed Land Uses and Permit Requirements for Commercial Zones), and Table 2-24 (Allowed Land Uses and Permit Requirements for Special Purpose Zones).

C. Allowed density and use.

1. As required by Government Code Section 65852.2, an accessory dwelling unit shall:
 - a. Be deemed to be an accessory use or an accessory building.
 - b. Not be considered to exceed the allowable density for the lot on which it is located.
 - c. Be deemed to be a residential use that is consistent with the existing Comprehensive Plan and zoning designation for the lot on which the accessory dwelling unit is located.
 - d. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
2. A lot may contain no more than one accessory dwelling unit, and shall be accessory to and be located on the same lot as an existing or proposed one-family or multiple-family dwelling.

D. Application and processing requirements.

1. Permit required.

- a. Prior to the development or use of a building or portion thereof as an accessory dwelling unit, an application for an Exemption or Zoning Clearance, as applicable, shall be submitted in compliance with [Section 35.80.030 \(Application Preparation and Filing\)](#), and the Exemption or Zoning Clearance shall be issued in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) or [Section 35.82.210 \(Zoning Clearances\)](#), as applicable.

- (1) **Exemption required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use) or Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or

multiple-family use), below, may be allowed with an Exemption.

- (2) **Zoning Clearance required.** An application for an accessory dwelling unit that is in compliance with the development standards of Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use), below, may be allowed with a Zoning Clearance.

2. **Ministerial review.** The Director shall consider an application for an Exemption or Zoning Clearance for an accessory dwelling unit ministerially without discretionary review or hearing.
3. **Conflicts with other Sections of this Development Code.** Where there are conflicts between the standards in this [Section 35.42.015 \(Accessory Dwelling Units\)](#), the standards in [Section 35.42.020 \(Accessory Structures and Uses\)](#), and the standards in the specific zone regulations ([Article 35.2 \(Zones and Allowable Land Uses\)](#)), the provisions of this Section shall prevail.

E. Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use. An accessory dwelling unit proposed entirely within an existing one-family dwelling or existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following standards:

1. The lot contains no more than one accessory dwelling unit.
2. The primary use of the lot is a one-family dwelling.
3. The accessory dwelling unit is proposed to be located in one of the following zones:
 - a. Residential Ranchette (RR) zone
 - b. Single Family Residential (R-1/E-1) zone
 - c. One-family Exclusive Residential (EX-1) zone
 - d. Design Residential (DR) zone
 - e. Planned Residential Development (PRD) zone
 - f. Small Lot Planned Development (SLP) zone
4. The accessory dwelling unit has independent exterior access from the existing one-family dwelling.
5. The existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
6. Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection E.
7. Accessory dwelling units allowed in compliance with this Subsection E shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
8. Accessory dwelling units allowed in compliance with this Subsection E and proposed on lots in Special Problem Areas shall not be subject to the requirements in Subsection I (Accessory dwelling units in Special Problem Areas).
9. Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use that do not meet all of the standards in this Subsection E may be allowed in compliance with Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), below.

F. Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use. Excluding accessory dwelling units that comply with

Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), above, an accessory dwelling unit proposed entirely within an existing one-family or multiple-family dwelling or existing accessory building shall be exempt from the planning permit requirements of this Development Code when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Subsection F shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Subsection F and proposed on lots in Special Problem Areas shall also comply with the requirements in Subsection I (Accessory dwelling units in Special Problem Areas).
3. **Appearance and style.** Any exterior alterations to an existing building that result from the conversion of all or a portion of an existing building to an accessory dwelling unit are limited to minor alterations such as the addition of doors and windows.
4. **Maximum and minimum living area requirements.** As used in [Section 35.42.015 \(Accessory Dwelling Units\)](#), living area means the interior habitable area of a dwelling unit including basements and attics, but not including an attached garage or any other attached accessory building.
 - a. **Maximum living area.** The living area of the accessory dwelling unit shall not exceed the following standards:
 - (1) **Attached accessory dwelling unit:** 50 percent of the living area of the principal dwelling that exists at the time of application for the accessory dwelling unit, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
 - (2) **Detached accessory dwelling unit:** 1,200 square feet.
 - b. **Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
5. **Parking requirements.** Additional parking spaces are not required to be provided for accessory dwelling units permitted in compliance with this Subsection F.
6. **Setbacks.** Except as provided below in Subsection F.6.a, no additional setback shall be required provided the existing side and rear setbacks are sufficient for fire safety purposes in compliance with the current, adopted edition of the California Fire Code.
 - a. No setback shall be required for an accessory dwelling unit that is proposed to be located entirely within an existing garage.

G. Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use. An accessory dwelling unit proposed either partially or wholly within an addition to an existing one-family or multiple-family dwelling or existing accessory building, or is attached to a new one-family or multiple-family dwelling, or is located within a new accessory building, shall be issued a Zoning Clearance when in compliance with all of the following development standards:

1. Accessory dwelling units allowed in compliance with this Subsection G shall also comply with the development standards in Subsection H (Additional development standards that apply to accessory dwelling units).
2. Accessory dwelling units allowed in compliance with this Subsection G and proposed on lots in Special Problem Areas shall also comply with the requirements in Subsection I (Accessory dwelling units in Special Problem Areas).

3. **Accessory to a principal dwelling.** If an application for an accessory dwelling unit is submitted for a lot that does not contain a principal dwelling at the time of application, the application for a principal dwelling shall be submitted in conjunction with an application for an accessory dwelling unit.
 - a. Final building permit inspection for the proposed principal dwelling shall be approved prior to final building permit inspection approval for the accessory dwelling unit.
4. **Appearance and style.** The exterior appearance and architectural style of the proposed accessory dwelling unit shall be in compliance with the following:
 - a. The design of an accessory dwelling unit that will be attached to an existing building shall reflect the exterior appearance and architectural style of the existing building and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - b. The design of an accessory dwelling unit that will not be attached to an existing building shall reflect the exterior appearance and architectural style of the principal dwelling and use the same or comparable exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features.
 - c. The entrance to an accessory dwelling unit that will be attached to the principal dwelling is structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the accessory dwelling unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached accessory dwelling unit on the lot.
 - d. All exterior lighting complies with [Section 35.30.120 \(Outdoor Lighting\)](#).
 - e. Proposed landscaping will screen the accessory dwelling unit, including any architectural elements such as foundations and retaining walls, mechanical equipment, and parking required to be provided for the accessory dwelling unit, from public viewing areas (e.g., public road, trails, or recreation areas). Said landscaping shall be compatible with existing landscaping on the lot in terms of plant species and density of planting.
5. **Environmentally sensitive habitat areas.** The development of an accessory dwelling unit shall be in compliance with the requirements of [Section 35.28.100 \(Environmentally Sensitive Habitat Area Overlay Zone\)](#).
6. **Height limit.**
 - a. An accessory dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the accessory dwelling unit that is proposed to exceed these height limits is located within:
 - (1) The existing space of a one-family or multiple-family dwelling or an accessory building.
 - (2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building to which the accessory dwelling unit is being added.
 - b. **Attached accessory dwelling units.**
 - (1) **Located below another floor.** The height of an accessory dwelling unit that is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.
 - (2) **Located above another floor or on-grade where there is no floor above.** The height of an accessory dwelling unit that is proposed to be located above another floor or on-

grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).

c. Detached accessory dwelling units.

(1) Connected to a detached accessory structure.

(a) Located above or below another floor.

(i) Located above another floor. The height of an accessory dwelling unit that is proposed to be located above another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).

(ii) Located below another floor. The height of an accessory dwelling unit that is proposed to be connected to a detached accessory structure and is proposed to be located below another floor shall not exceed a vertical distance of 16 feet as measured from the lowest finished floor of the accessory dwelling unit to the bottom of the support system of the floor above.

(iii) Notwithstanding the above, the height of a combined structure shall not exceed a height of 25 feet as measured in compliance with [Section 35.30.090 \(Height Measurement, Exceptions, and Limitations\)](#).

(b) Located above another floor or on grade where there is no floor above. The height of an accessory dwelling unit that is proposed to be located above another floor or on-grade where there is no floor above shall not exceed a vertical distance of 16 feet as determined in compliance with [Section 35.30.090 \(Height Measurement, Exceptions and Limitations\)](#).

(2) Not connected to a detached accessory structure. The height of an accessory dwelling unit that is not connected by any means to another structure shall not exceed a height of 16 feet as determined in compliance with [Section 35.30.090 \(Height Measurement, Exceptions and Limitations\)](#).

7. Historic Landmarks Advisory Commission review. If the Director determines that the accessory dwelling unit is proposed to be located entirely or partially within a building that is historically significant, the Director may require that the application for an accessory dwelling unit be submitted to the Historic Landmarks Advisory Commission for review and comment as to the compatibility of the proposed development with the historical context of the building, whether the development will result in a detrimental effect on any existing or potential historical significance of the building, and other factors on which the Historic Landmarks Advisory Commission may choose to comment.

8. Location on lot.

a. For lots that are less than two acres, a detached accessory dwelling unit shall not be located closer to the principal abutting street than the principal dwelling unless other zoning provisions such as setback requirements would prohibit compliance with this requirement.

b. For lots that are two acres or larger but not larger than 20 acres, a detached accessory dwelling unit shall not be located closer to any property line than the lesser of 100 feet or the distance from the principal dwelling to that property line unless other zoning provisions such as setback requirements, or the location of existing development on the lot including agricultural operations, would prohibit compliance with this requirement.

- c. For lots that are larger than 20 acres, the location of a detached accessory dwelling unit is not restricted provided the location complies with zoning requirements such as applicable setback requirements or building envelopes.
- 9. Maximum and minimum living area requirements.** As used in [Section 35.42.015 \(Accessory Dwelling Units\)](#), living area means the interior habitable area of a dwelling unit including basements and attics but not including an attached garage or any other attached accessory building.
- a. Maximum living area.** The living area of the accessory dwelling unit shall not exceed eight percent of the net lot area of the lot on which the accessory dwelling unit will be located, provided that the living area of the accessory dwelling unit does not exceed 1,200 square feet.
- (1) **Attached accessory dwelling unit:** In addition to the maximum living area specified above in Subsection G.9.a (Maximum living area), the living area of an attached accessory dwelling unit shall not exceed 50 percent of the living area of:
- (a) The principal dwelling that exists at the time of application for the accessory dwelling unit, or
- (b) The proposed principal dwelling if an application for the principal dwelling is submitted concurrently with the application for the accessory dwelling unit.
- b. Minimum living area.** The living area of an accessory dwelling unit shall be a minimum of 300 square feet unless the accessory dwelling unit qualifies as an Efficiency Unit in compliance with Health and Safety Code Section 17958.1 and California Building Code Section 1208.4.
- 10. Parking requirements.** The following parking requirements shall apply to new, detached accessory dwelling units that are not connected by any means to another structure:
- a. Except as provided in Subsection G.10.b, below, in addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot on which the new, detached accessory dwelling unit is located. The additional parking shall be provided as specified in the base zone and in [Chapter 35.36 \(Parking and Loading Standards\)](#) except that said parking may be provided as tandem parking on a driveway and in compliance with the following:
- (1) The additional parking shall be permitted in the side or rear setback areas, or through tandem parking, unless:
- (a) The Director finds that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or
- (b) The project site is located in a very high fire hazard severity zone, in which case tandem parking is not allowed.
- b. Additional off-street parking spaces are not required to be provided for new, detached accessory dwelling units that comply with any of the following criteria:
- (1) The accessory dwelling unit is located within one-half mile of public transit (e.g., a bus stop).
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (4) When there is a car share vehicle located within one block of the accessory dwelling unit.

11. **Setbacks.** Except as provided below, an accessory dwelling unit shall comply with the setback regulations that apply to the principal dwelling.
 - a. A setback of five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an existing garage.
 - b. No setback shall be required for an accessory dwelling unit that is proposed to be located partially within an existing garage.
 12. **Tree protection.** An application for an accessory dwelling unit shall comply with the following standards.
 - a. To the maximum extent feasible, all development associated with the accessory dwelling unit shall avoid the removal of or damage to all native trees including native oak trees, and specimen trees. For the purposes of this Subsection G.12 (Tree protection), specimen trees are defined as mature non-native trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Trees that may be removed or damaged shall be relocated or replaced onsite.
 - b. No grading, paving, and other site disturbance shall occur within the dripline of the tree including the area six feet outside of tree driplines unless the conclusion of a report submitted by the applicant and prepared by a licensed arborist is that the proposed grading, paving, or other site disturbance will not damage or harm the tree(s).
- H. Additional development standards that apply to accessory dwelling units.** The following development standards shall also apply to accessory dwelling units in addition to the development standards contained in Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use), Subsection F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use), or Subsection G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use), as applicable.
1. **Fees.** The applicant shall pay development impact mitigation fees in compliance with ordinances and/or resolutions adopted by the County. The amount of the required fee shall be based on the fee schedules in effect when paid.
 2. **Passageway not required.** A passageway shall not be required to be provided in conjunction with the construction of an accessory dwelling unit.
 3. **Private and public services.**
 - a. **Potable water.** Where service by a public water district or mutual water company is not available, the accessory dwelling unit may be served by a private water system subject to review and approval by the Public Health Department or State as applicable.
 - b. **Wastewater.** Where public sewer service is not available, the accessory dwelling unit may be served by an onsite wastewater treatment system subject to review and approval by the Public Health Department.
 4. **Rental and sale.**
 - a. An accessory dwelling unit may be used for rentals provided that the length of any rental shall be longer than 30 consecutive days.
 - b. An accessory dwelling unit shall not be sold separately from the principal dwelling.
- I. Accessory dwelling units in Special Problems Areas.** Because of the adverse impacts on the public health, safety, and welfare, accessory dwelling units shall not be allowed in Special Problem Areas designated by the Board except as provided in this Subsection I,—based upon the finding that Special Problem 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. However, accessory dwelling units allowed in compliance with Subsection E (Accessory dwelling units located entirely within existing one-family dwellings or accessory buildings on lots zoned for one-family use) and proposed on lots in Special Problem Areas shall not be subject to the requirements in this Subsection I.

1. An accessory dwelling unit may be approved within a designated Special Problem Area subject to compliance with all of the following requirements:
 - a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
 - b. Except as provided in Subsection I.1.b.(1), below, the owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as an accessory dwelling unit is maintained on the developed lot.
 - (1) Within the Mission Canyon Community Plan area, the owner shall merge the two contiguous legal lots through the recordation of a Voluntary Merger prior to issuance of the building permit for the accessory dwelling unit.
 - c. The vacant lot is determined to be residentially developable in compliance with 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 nonresidential purpose including 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 the service is in compliance with the company's Domestic Water Supply Permit, or
 - (b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.
 - (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) Can be served by an onsite wastewater treatment system that meets all the requirements of the Public Health Department.
 - (4) The lot:
 - (a) Is currently served by an existing private road that meets 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 site conditions would not cause the Committee to recommend denial of the site for residential purposes in compliance with Subsection I.2.
2. **Special Problems Area Committee review and Director decision.**
 - a. The Director may approve a permit for an accessory dwelling unit that is proposed to be located within a designated Special Problems Area if:
 - (1) All of the applicable development standards in this [Section 35.42.015 \(Accessory](#)

[Dwelling Units](#)) and applicable provisions and policies of this Development Code can be met,

- (2) The project has been reviewed by the Special Problems Committee, and
 - (3) The individual members of the Special Problems Committee are able to identify any and all reasonable conditions of approval that may be required to mitigate present or anticipated problems within the scope of the committee's charge, or to prevent damage to public or private property, risk of injury to persons, or creation of a public nuisance.
- b. Where an individual member or members of the Special Problems Committee are unable to identify feasible mitigation of such problems, damage, or risk, each may recommend denial of the permit that would authorize the construction of the proposed accessory dwelling unit to the Director.

35.42.020 - Accessory Structures and Uses

A. Purpose and applicability. This Section provides standards for accessory structures and uses, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). Accessory structures, including agricultural accessory structures shall comply with the requirements of this Section, except that mobile home site accessory structures within a Mobile Home Park shall instead comply with the requirements of the MHP District in [Section 35.23.080 \(MHP Zone Standards\)](#).

B. Development standards.

1. **Sequence of construction.** Accessory structures shall not be constructed on a lot until construction of the principal structure has begun or a principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or a principal use has been established and commenced.
2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
3. **Height restrictions.** Accessory structures shall comply with the height restrictions of the applicable zones except as specified below:
 - a. **Accessory dwelling units.** See [Section 35.42.015 \(Accessory Dwelling Units\)](#) for height limits for accessory dwelling units.
 - b. **Fences and walls.** See [Section 35.30.070 \(Fences and Walls\)](#) for height limits for fences and walls.
 - c. **Guesthouses, artist studios and cabañas.** See [Section 35.42.150 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits for guesthouses, artist studios and cabañas.
 - d. **Located in the rear setback.** The height limit for accessory structures located in the rear setback is 12 feet.
 - e. **Telecommunication facilities.** See [Chapter 35.44 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities.
4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
 - a. **Location in rear setback.**
 - (1) **Accessory dwelling units.** An accessory dwelling unit may be located in the required rear setback only when allowed in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).

- (2) **Other accessory structures.** Except as provided in Subsection B.4.a.(1), above, an accessory structure, other than guesthouses, artist studios and cabañas ([Section 35.42.150](#)) may be located in the required rear setback provided that:
- (a) It is not attached to the principal structure.
 - (b) It is located no closer than five feet to the principal structure.
 - (c) It does not exceed 40 percent of the required rear setback.
 - (d) It does not exceed a height of 12 feet.
 - (e) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (f) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (g) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
- b. Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
- c. Swimming pools and spas in setback area.**
- (1) **Location outside of the EX-1 zone.** Swimming pools, spas, and appurtenant equipment shall not be located:
 - (a) **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
 - (b) **Interior lots.** Closer than 10 feet to any property line.
 - (2) **Location within the EX-1 zone.** Swimming pools, spas, and appurtenant equipment shall not be located:
 - (a) **Lots other than interior lots.** In the required front, side or rear setback areas; however, the required setbacks may be decreased by 15 feet for the purpose of locating a swimming pool, spa, and appurtenant equipment.
 - (b) **Interior lots.** Closer than 10 feet to any property line.
- 5. Kitchen or cooking facilities/amenities prohibited.** Accessory structures, including artist studios, cabañas and guesthouses, shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., agricultural employee dwellings or accessory dwelling units). Artist studios, cabañas and guesthouses are not dwellings.
- 6. Gross floor area and footprint limitations.** Except for accessory dwelling units allowed in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area 800 square feet if located on a lot of one acre or less.
- a. **Summerland Community Plan area.** See [Section 35.28.210.G](#) (Summerland Community Plan area) for additional standards regarding the allowable floor area of detached accessory structures.
- 7. Plumbing devices.**

- a. Agricultural accessory structures.** Agricultural accessory structures that serve as a primary place of employment or that are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner that specifies the allowable uses of the agricultural accessory structure is recorded in the County public records. Wetbars shall be limited to the following features:
- (1) A counter area with a maximum total length of seven feet.
 - (2) The counter area may include a bar sink.
 - (3) The counter area may include an overhead cupboard area not to exceed seven feet in length.
 - (4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven-foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 - (5) Refrigerators are limited to an under-counter unit located within the counter area.
 - (6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.
- b. Other accessory structures.** Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless otherwise specifically allowed by this Development Code.
- 8. Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g. accessory dwelling units or agricultural employee dwellings) accessory structures shall not be used for overnight accommodations.
- 9. Determination that an accessory structure constitutes a dwelling.**
- a. An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:
- (1) Is configured or occupied for residential purposes, whether permanent or temporary.
 - (2) Contains elements evidencing separate residential occupancy.
- b. Elements to be considered by the Director include:
- (1) Proximal arrangement and various combinations of
 - (a) Bathing facilities.
 - (b) Closets.
 - (c) Countertops or cupboards.
 - (d) Dishwashers.
 - (e) Exterior entrances.
 - (f) Exterior staircases.
 - (g) Garbage disposals.
 - (h) Interior locking doors.
 - (i) Sleeping lofts.
 - (j) Toilets and sinks or bar sinks.
 - (2) Separate address/mail box designations.

- (3) Separate balconies, decks, patios or yards.
 - (4) Separate cable lines, phone lines or utility lines.
 - (5) Separate carports, garages or parking areas (covered or uncovered).
 - (6) Other elements at the discretion of the Director.
- c. Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.
 - d. The Director's determination that the accessory structure or portion of structure constitutes a dwelling may be appealed in compliance with [Chapter 35.102 \(Appeals\)](#). If the Director's determination is upheld on appeal, then the dwelling may be subject to an enforcement action in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

C. Small agricultural accessory structures, AG-II zone, ~~Inland area~~. On property zoned AG-II ~~and located in the Inland area~~, small accessory structures that comply with the following may be allowed with a Zoning Clearance issued in compliance with [Section 35.82.210 \(Zoning Clearances\)](#). Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#).

1. The gross floor area of the structure is less than 5,000 square feet.
2. The structure is not located within 1,000 feet of a public road or other area of public use (e.g., park, trail), or, if the structure is located within 1,000 feet of a public road or other area of public use, the Director determines that the structure would not be visible from the public road or other area of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from a public road or other area of public use.
3. Utilities are limited to electricity and water.
4. The Director determines that:
 - a. The use of the structure is accessory to and supportive of the overall agricultural use of the property.
 - b. The structure is located so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
5. The structure and use thereof is in compliance with Subsection B (Development Standards), above.
6. The structure does not require the approval of a [Final Development Plan \(Section 35.82.080\)](#) in compliance with [Section 35.21.030.C \(Development Plan approval required\)](#).
7. In addition to the development standards listed above, all development associated with the construction of a small agricultural accessory structure located ~~in the Inland area~~ shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.
 - a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
 - (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral,

- Bishop Pine Forests, and Coastal Dune Scrub.
- (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of “rare” in Section 15380 of California Environmental Quality Act.
 - (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100-foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain Rare, Endangered, or Threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

35.42.030 - Agricultural Employee Dwellings

- A. Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#) or [Section 35.42.260 \(Temporary Uses and Trailers\)](#), that are not allowed in compliance with [Section 35.42.135 \(Farmworker Housing\)](#).
- B. Allowed zones and permit requirements.** Additional dwellings, including mobilehomes, manufactured homes, and park trailers complying with the California Code of Regulations, Title 25, Division 1, Housing and Community Development, that provide housing for agricultural employees may be allowed in compliance with ~~the following table~~ [Table 4-1 \(Permit Requirements and Development Standards for Agricultural Employee Dwellings\)](#).

Table 4-1			ZC Zoning Clearance
Permit Requirements and Development Standards for Agricultural Employee Dwellings			LUP Land Use Permit
			MCUP Minor Conditional Use Permit
			CUP Conditional Use Permit
Zone	Permit Requirement	Number of Employees	Employment/Location
AG-I	ZC ^{1,2,3,4}	1-4	Employed full-time in agriculture on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	LUP ^{2,3,4}	5-9	Employed full-time in agriculture on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	MCUP	10-19	Employed full-time in agriculture, the majority (51 percent or more) of which occurs on the farm(s) or ranch(es) of the owner or operator of the farm or ranch upon which the dwelling is located.
	CUP	20 or more	No restriction on location of employment.
AG-II	ZC ^{1,2,3,4}	1-9	No restriction on location of employment.
	LUP ^{2,3,4}	10-24	
	CUP	25 or more	
MT-GAV	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.
MT-GOL	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.
CH	See Section 35.24.030		
M-1	See Section 35.25.030		
M-2	See Section 35.25.030		
NTS	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.
	CUP	5 or more	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.
All other zones where allowed by Article 35.2, Zones and Allowable Land Uses	MCUP	1-4	Employed full-time in agriculture on the farm or ranch upon which the dwelling(s) is located.

¹ Projects with a water system with 2 to less than 5 connections will also require a LUP and may be subject to environmental review. (See Table 2-1 of [Section 35.21.030](#) of this Development Code.)

² Projects with an individual alternative onsite wastewater treatment system will also require a MCUP and may be subject to environmental review. (See Table 2-1 of [Section 35.21.030](#) of this Development Code.)

³ Projects with a water system with 5 or more connections will also require a MCUP and may be subject to environmental review. (See Table 2-1 of [Section 35.21.030](#) of this Development Code.)

⁴ Projects meeting specified standards will also require a Development Plan and may be subject to environmental review. (See Table 2-1 of [Section 35.21.030](#) of this Development Code.)

C. Standards that apply to agricultural employee dwellings in all zones except AG-I and AG-II.

- 1. Need for additional dwellings.** The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the agricultural use of the land where the work will occur.
- 2. Proof of employment.** The applicant provides proof of the full-time employment of the employee in agriculture. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

- a. Employer's income tax return.
- b. Employee's pay receipts.
- c. Employer's DE-39 form.
- d. Employer's DE-34 form.
- e. Employer's ETA 790 form.
- f. Employee's W-2 form.
- g. Employer's DLSE-NTE form.
- h. A notarized document between the employer and the employee which states that the occupant of the agricultural employee dwelling is employed in agriculture.
- i. A description of the employee's job duties.
- j. Other option approved by the Director.

3. Submittal of documentation of need and employment status of occupants subsequent to issuance of permit for the agricultural employee dwelling. Demonstration of the need for the agricultural employee dwelling and proof of employment in agriculture of the employee residing in the agricultural employee dwelling shall also be provided every five years beginning from the issuance of the permit for the agricultural employee dwelling or, if the occupancy of the agricultural employee dwelling changes, upon the change in occupancy and every five years thereafter. Failure to provide said documentation may be cause for revocation of the permit for the Agricultural employee dwelling.

- a. If the identity of the occupant of the agricultural employee dwelling is not known at the time of issuance of the permit for the agricultural employee dwelling, then proof of employment in agriculture of the employee residing in the agricultural employee dwelling shall be provided within 30 days following occupancy of the agricultural employee dwelling by the employee.

4. Notice to property owner. Before issuance of a permit for the agricultural employee dwelling, a Notice to Property Owner that specifies at a minimum (1) the occupancy requirements of the agricultural employee dwelling and (2) the requirement for provision of documentation of employment and the need for the agricultural employee dwelling in compliance with Subsections B, C.1, C.2, and C.3, above, shall be recorded by the property owner.

D. Standards that apply to agricultural employee dwellings in the AG-I and AG-II zones.

1. Need for additional dwellings. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the agricultural use of the land where the work will occur.

2. Proof of employment. The applicant shall provide proof of the employment of the employee in agriculture consistent with the requirements in ~~the Table 4-1 titled "(Permit Requirements and Development Standards for Agricultural Employee Dwellings)."~~ Said proof shall be to the satisfaction of the Department, and in the form of any one or combination of the following:

- a. Employer's income tax return.
- b. Employee's pay receipts.
- c. Employer's DE-9 form.
- d. Employer's DE-34 form.
- e. Employer's ETA 790 form.
- f. Employee's W-2 form.

- g. Employer's DLSE-NTE form.
- h. A notarized document between the employer and the employee which states that the occupant of the agricultural employee dwelling is employed in agriculture.
- i. A description of the employee's job duties.
- j. Other option approved by the Director.

3. Submittal of proof of employment of occupants subsequent to issuance of a permit for the agricultural employee dwelling. Documentation of proof of employment of the employee in agriculture consistent with the requirements in the Table ~~4-1~~ titled "(Permit Requirements and Development Standards for Agricultural Employee Dwellings)" shall be provided every five years beginning from the issuance of the permit for the agricultural employee dwelling. Failure to provide said documentation may be cause for revocation of the permit for the agricultural employee dwelling.

- a. **Additional requirements in the AG-I zone.** In addition to the requirements in Subsection D.3 above, agricultural employee dwellings located in the AG-I zone shall require the submittal of proof of employment in agriculture of the employee residing in the agricultural employee dwelling upon any change in occupancy and every five years thereafter.
 - i. If the identity of the occupant of the agricultural employee dwelling is not known at the time of issuance of the permit for the agricultural employee dwelling, then proof of employment in agriculture of the employee residing in the agricultural employee dwelling shall be provided within 30 days following occupancy of the agricultural employee dwelling by the employee.

4. Notice to property owner. Before issuance of a permit for the agricultural employee dwelling, a Notice to Property Owner that specifies at a minimum (1) the occupancy requirements of the agricultural employee dwelling and (2) the requirement for provision of documentation of employment in compliance with Subsections B, D.1, D.2, and D.3, above, shall be recorded by the property owner.

5. Minimum dwelling size. The agricultural employee dwelling shall comply with the following size requirements:

- a. Mobilehomes, manufactured homes, and park trailers shall comply with the size requirements set forth in the Health and Safety Code, as applicable.
- b. Dwellings shall comply with the minimum size requirements set forth in the current, adopted edition of the California Building Standards Code and any local amendments, as applicable.

E. Additional standards for agricultural employee dwellings allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) that do not require the approval of a Conditional Use Permit. In addition to the development standards listed above, all development associated with the construction of an agricultural employee dwelling allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) that does not require the approval of a Minor Conditional Use Permit or Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Agricultural employee dwellings that do not comply with the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

- a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis

depending upon site specific conditions such as slopes, biological resources and erosion potential.

- (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - (2) Native woodlands and forests.
 - (3) Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.
 - (a) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100-foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain rare, endangered, or threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

F. Additional standards for agricultural employee dwellings located in the NTS zone. On a lot zoned NTS:

- a. The minimum gross lot area on which an agricultural employee dwelling may be approved is 100 acres.
- b. An agricultural employee dwelling shall not be allowed in addition to an accessory dwelling unit, artist studio, or guesthouse.
- c. The gross floor area of an agricultural employee dwelling shall not exceed 1,200 square feet.
- d. Only one Conditional Use Permit that allows additional dwellings housing five or more employees may be allowed within each project site area covered by an approved Final Development Plan.

G. Mobilehomes, manufactured homes, and park trailers.

1. A mobilehome, manufactured home, or park trailer, with or without a permanent foundation, may be used as an agricultural employee dwelling in compliance with the ~~€~~Table 4-1 in Subsection B, above, provided:
 - a. The mobilehome, manufactured home, or park trailer complies with the California Code of Regulations, Title 25, Division 1, Housing and Community Development.
 - b. The mobilehome, manufactured home, or park trailer complies with applicable setbacks and building separation requirements required for structures of the zone district in which the mobilehome, manufactured home, or park trailer is located.

35.42.040 - Agricultural Processing Facilities

A. Purpose and applicability. This Section establishes standards and procedures for agricultural processing facilities, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#) and by Subsection C (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.

B. Standards. This Subsection B (Standards) does not apply to uses allowed in compliance with Subsection C (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.

1. Agricultural processing facilities shall be subject to the following standards.
 - a. The facility may be used for the sorting, cleaning, packing, freezing, milling, bottling and storage of horticultural and agricultural products (other than animals) grown on or off the premises preparatory to wholesale or the retail sale and/or shipment in their natural form or in a milled liquid form.
 - b. Agricultural processing that includes milling and/or bottling of horticultural or agricultural products shall be limited to the following standards:
 - (1) Agricultural processing is limited to simple mechanical processing to convert fruit from a solid to a liquid without additives, chemical reactions or changes in natural ambient temperatures.
 - (2) Milling of agricultural products shall not generate wastewater discharges, or hazardous wastes.
 - (3) All process water and waste material from milling shall be managed onsite as recycled irrigation water or organic compost. Exceptions are permissible in those unusual circumstances where some process water and/or waste material may be legally discharged into a sanitary sewer system, or legally disposed of as a solid waste (e.g., in those cases involving an unexpected contaminant).
 - (4) Milling of horticultural or agricultural products from offsite sources shall be limited to no more than 49 percent of the total volume of milled products on the facility premises, and where such premises comprise more than one legal parcel, at least five percent of the total volume of milled products shall be harvested from the legal parcel upon which the processing operation is located.
 - (5) The legal parcel on which the processing occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.
 - (6) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one acre.
 - (7) Onsite retail sales of any product resulting from the agricultural processing are not allowed.

- c. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands that are located within 25 miles of the boundaries of the County.
 - d. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of the County for local processing, distribution, or sale.
 - e. Products processed at the facility are determined by the review authority to be the same as or similar to products grown on the premises where the facility is located or on other local agricultural lands located within 25 miles of the boundaries of the County.
 - f. The facility and products shall be consistent with the Uniform Rules for Agricultural Preserves and Farmland Security Zones.
 - g. This type of facility shall not be located on prime soils unless an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.
2. Additional agricultural processing facilities consisting of commercial and/or industrial development, structures, uses, and areas that are directly related to the processing, packaging, treatment and/or sale of agricultural commodities, transportation facilities required to support agriculture or fertilizer manufacturing are allowed within the Rural Area as designated on the Comprehensive Plan maps and designated with the Agricultural Industry Overlay on the Comprehensive Plan maps, provided that a Development Plan is approved in compliance with [Section 35.82.080 \(Development Plans\)](#).

C. Specific allowable uses and development standards for the Gaviota Coast Plan area.

1. **Purpose and Intent.** This Subsection C lists the agricultural processing facilities that may be allowed on lots zoned Agricultural II (AG-II) located within the Gaviota Coast Plan area, determines the type of planning permit required for each type of facility, and provides development standards related to the intensity of the proposed facility. The intent is to provide for flexibility in the development of agricultural processing facilities that are accessory to and supportive of agriculture while promoting orderly development of these facilities, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, while preventing impacts to natural, cultural, and visual resources.
2. **Permit requirements and development standards for specific land uses.** This Subsection C.2 provides the permit requirements and development standards for specific agricultural processing uses allowed within the Gaviota Coast Plan area. The uses listed below are in addition to the uses listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones). A land use and/or activity addressed by this Section shall comply with the provisions of each subsection applicable to the specific use in addition to all other applicable provisions of this Development Code.
 - a. **Product preparation.** Product preparation includes drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain.
 - (1) A Product preparation operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.
 - (a) The operation is incidental to agricultural operations located on the same lot that the product preparation operation is located on.
 - (b) All of the material used in the operation shall originate from the premises.
 - (c) The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any preparation allowed in compliance with this Section.

- (d) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the product preparation operation is located on, or one acre, whichever is smaller.
 - (e) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (f) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- (2) A Product preparation operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards.
- (a) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.
 - (b) Products from offsite sources shall be limited to no more than 49 percent of the total volume of products prepared on the facility premises.
 - (c) The premises where the preparation occurs is planted with the source product prior to the commencement of any preparation allowed in compliance within this Section.
 - (d) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - (e) Any new structure proposed as part of the operation shall be less than 3,000 square feet in net area.
 - (f) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - (g) The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay), if applicable.
- (3) A Product preparation operation that may not be allowed in compliance with Subsections C.2.a.(1) and C.2.a.(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
- (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

b. Small scale processing - beyond the raw state.

- (1) A Small scale processing operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.
- (a) The operation is incidental to agricultural operations located on the same lot that the operation is located on.
 - (b) All of the material used in the operation shall originate from the premises.
 - (c) The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in

compliance with this Section.

- (d) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the small scale processing is located on, or one acre, whichever is smaller.
 - (e) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (f) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- (2) A Small scale processing operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards.
- (a) The operation is incidental to agricultural operations located on the same lot that the operation is located on.
 - (b) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.
 - (c) No more than 49 percent of the total volume of processed products shall be from horticultural or agricultural products that do not originate from the premises that the operation is located on.
 - (d) The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.
 - (e) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the small scale processing is located on, or one acre, whichever is smaller.
 - (f) Any new structure proposed as part of the operation shall be less than 3,000 square feet in net floor area.
 - (g) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the lot(s) that the operation is located on or adjacent lot(s).
 - (h) The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay), if applicable.
- (3) A Small scale processing operation that may not be allowed in compliance with Subsections C.2.b(1) and C.2.b(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
- (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

c. Tree nut hulling.

- (1) A Tree nut hulling operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.
 - (a) All of the material used in the operation shall originate from the premises that the

- operation is located on.
- (b) The lot on which the operation occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Section.
 - (c) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the tree nut hulling facility, or one acre, whichever is smaller.
 - (d) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - (e) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- (2) A Tree nut hulling operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards.
- (a) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.
 - (b) Material from offsite sources shall be limited to no more than 49 percent of the total volume of products processed on the facility premises.
 - (c) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Section.
 - (d) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - (e) Any new structure proposed as part of the operation shall be less than 3,000 square feet in net floor area.
 - (f) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the lot(s) that the operation is located on or adjacent lot(s).
 - (g) The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay), if applicable.
- (3) A Tree nut hulling operation that may not be allowed in compliance with Subsections C.2.c(1) and C.2.c(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
- (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

35.42.050 - Agricultural Product Sales

- A. Purpose.** The purpose of this Section is to provide development and operational standards for the retail sale of agricultural commodities on property that is zoned to allow and is primarily used for agricultural activities and to promote the orderly development of such agricultural sales within the County and ensure their compatibility with surrounding land uses in order to protect and maintain the public health and safety and natural and visual resources.

- B. Accessory use.** Agricultural product sales shall be allowed only where the primary use of the lot is agriculture and the lot is located either:
1. In a zone as specified in Subsection C. (Permit Requirements) below, or
 2. In the Gaviota Coast Plan area and the agricultural product sales is allowed in compliance with Subsection E (Specific allowable uses and development standards for the Gaviota Coast Planning Area), below.
- C. Permit requirements.** This Subsection C. does not apply to uses allowed in compliance with Subsection E (Specific allowable uses and development standards for the Gaviota Coast Plan area), below. An appropriate application shall be filed with the Department as provided below. Additional permits may be required by other provisions of this Development Code (e.g., for structures accessory to the agricultural sales). Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), a permit for the sale of agricultural products shall be obtained from the Department of Public Health (Title 17, California Administrative Code Section 13653) if required.
1. Within the AG-I, AG-II, RR, M-1, M-2, and M-CR zones, the following activities shall be exempt from the requirement to obtain a Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection D. (Standards) below.
 - a. Sales of agricultural products, operated by a single proprietor, and either grown (1) onsite, or (2) on other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or (3) on other property within a 25-mile radius of the lot on which the sales occur. This includes operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms).
 - b. Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is limited to 10,000 square feet.
 - c. Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) provided the area to which the public has access is limited to 10,000 square feet.
 2. Within the AG-I, AG-II, RR, M-1, M-2, and M-CR zones, Development Plan approval by the Director in compliance with [Section 35.82.080 \(Development Plans\)](#) is required for the sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.
 3. Within the R-1, R-2, DR, PRD and CH zones, the following activities require Conditional Use Permit approval in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#):
 - a. Sales of agricultural products, operated by a single proprietor, and either (1) grown predominantly onsite or (2) on other property within a 25-mile radius of the lot on which the sales occur. This includes operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms).
 4. **NTS zone.**
 - a. The sale of agricultural products grown onsite shall be exempt from the requirement to obtain a Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection D. (Standards) below.

- D. Standards.** This Subsection D. does not apply to uses allowed in compliance with Subsection E (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.
1. Except on a lot zoned NTS, if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 600 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
 - a. On a lot zoned NTS if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 200 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
 2. The area devoted to retail sales of non-plant materials, if allowed, shall be limited to a single location no greater than 300 square feet in area. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to storage shall not be included within the 300 square feet, provided the inventory storage area is neither visible nor accessible to the public.
 3. Parking shall be provided as follows:
 - a. All parking areas, except as provided in Subsection 4.b below shall be constructed in compliance with the following:
 - (1) All parking areas shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface.
 - b. Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
 - c. Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
 - d. Parking shall not be allowed within any adjacent road rights-of-way or trail easements.
 4. Ingress and egress to the agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
 5. Signs advertising the sale of agricultural products shall be in compliance with [Chapter 35.38 \(Sign Standards\)](#).
 6. An agricultural product sales establishment and operation shall comply with applicable Sections of the Uniform Building Code and the Uniform Fire Code as adopted by the County.
 7. Structures that are not used for a period of 12 months shall be removed within the three months following the 12 months of non-use.
 8. Exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design, and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
 9. In addition to the development standards listed above, the following development standards shall also apply to agricultural sales on property zoned R-1, R-2, DR, PRD and CH:
 - a. The lot upon which the agricultural sales occur shall consist of a minimum of two acres

(gross).

- b. If a structure is required for the sale of agricultural products, the sale shall be conducted either within an existing accessory structure or from a separate stand not to exceed 200 square feet of sales and storage area, except that if the premises consist of five or more contiguous acres, the structure shall not exceed 600 square feet.
- c. Only one stand shall be allowed on the premises.
- d. New structures shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
- e. Parking shall be provided in compliance with [Section 35.36.100 \(Standards for Residential Zones and Uses\)](#) and [Section 35.36.110 \(Standards for Nonresidential Zones and Uses\)](#).

E. Specific allowable uses and development standards for the Gaviota Coast Planning area. The following use may be allowed in the Gaviota Coast Planning area in addition to agricultural product sales allowed in compliance with Subsection C (Permit requirements), above.

1. Farmstands.

- a. A Farmstand operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.
 - (1) The operation is incidental to agricultural operations located on the same premises that the operation is located on.
 - (2) Including operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms), the operation is operated by a single proprietor and sales of agricultural products are limited to those that are either grown:
 - (a) Onsite, or
 - (b) On other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or
 - (c) On other property located within a 25-mile radius of the lot on which the sales occur.
 - (3) Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public are allowed provided the area to which the public has access is limited to 10,000 square feet.
 - (4) Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) are allowed provided the area to which the public has access is limited to 10,000 square feet.
 - (5) If a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 800 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
 - (6) The sale of artisanal crafts created within Santa Barbara County is allowed if subordinate to farmstand sales. The area devoted to the sale of artisanal crafts is limited to 20 percent of the gross floor area of the farmstand.
 - (7) The area devoted to retail sales of non-plant materials shall be limited to a single location no greater than 300 square feet in area. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to storage

shall not be included within the 300 square feet, provided the inventory storage area is neither visible nor accessible to the public.

- (8) The area devoted to the sale of bottled water, sodas, and other non-hazardous products that are produced off-site and comply with the California State Farm Standards Regulations is limited to 50 square feet.
- (9) All parking areas shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface. Non-permeable surfacing materials (such as asphalt, concrete, or chip seal) may be used only if necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable. The use of any non-permeable surface materials shall be the minimum necessary to comply with requirements for the provision of disabled access.
- (10) Parking and parking areas.**
 - (a) Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
 - (b) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
 - (c) Parking shall not be allowed within any adjacent road rights-of-way or trail easements.
- (11) Ingress and egress to the agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
- (12) Direct access to Farmstand sales area from an at-grade crossing with Highway 101 shall be prohibited.
- (13) Signs advertising the sale of agricultural products shall be in compliance with Chapter 35.38 (Sign Standards).
- (14) An agricultural product sales establishment and operation shall comply with applicable Sections of the Uniform Building Code and the Uniform Fire Code as adopted by the County.
- (15) Structures that are not used for a period of 12 months shall be removed within the three months following the 12 months of non-use.
- (16) Exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design, and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
- (17) The Farmstand operation shall not be located within or adjacent to environmentally sensitive habitat area.
- (18) The Farmstand operation shall not result in any potential adverse effects to public hiking and equestrian trails.
- (19) The Farmstand operation shall not result in significant adverse impacts to scenic views from parklands, public viewing areas, and public roadways.

35.42.060 - Animal Keeping

- A. Purpose and intent.** This Section identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Section is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.
- B. Applicability.** This Section applies to any keeping of animals as either an accessory and incidental use or principal use, except for pet stores, animal clinics, animal hospitals and veterinarian offices. This Section shall not apply to animals that are less than six months in age.
- C. In general.**
1. Animal keeping uses shall comply with the standards in Subsection F. (Specific animal keeping standards) below, and other applicable standards and requirements of this Development Code.
 2. Animal keeping activities are subject to the requirements of this Section regardless of whether a permit is required.
 3. Additional permits may be required by other provisions of this Development Code for structures used to enclose or house animals.
 4. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.
- D. Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.** Table 4-1-2 through Table 4-8-9 identify the type of animal or animal keeping activity allowed in each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table (“Additional Regulations”) includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity.
- E. Use of property for animals different in species or greater in number.**
1. **Zones other than EX-1/~~EX-1-CZ~~ and NTS.** In all zones other than EX-1, ~~EX-1-CZ~~ and NTS, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1-2 through Table 4-8-9, or where the number of animals is greater than that specified in Table 4-1-2 through Table 4-8-9 in compliance with a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
 2. **EX-1/~~EX-1-CZ~~.** In the EX-1 and ~~EX-1-CZ~~ zones, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1-2 through Table 4-8-9, or where the number of animals is greater than that specified in Table 4-1-2 through Table 4-8-9 in compliance with a Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- F. Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection D. (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and Development Code.
1. **Household pets.** Where allowed in Table 4-1-2 through Table 4-8-9, household pets shall be kept in compliance with the following standards. The restrictions contained in this Subsection F.1 shall not apply if an animal may be kept in compliance with a different “Type of Animal or Animal Keeping Activity” listed in Table 4-1-2 through Table 4-8-9 for the applicable zone.
 - a. The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.

- b. There shall be no more than three dogs permitted on a single lot.
 - c. Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - d. The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - e. Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - f. No rooster or peacock shall be kept or raised on the lot.
- 2. Special standards and requirements for animal keeping in the RR, R-1/E-1, R-2, DR, MU and OT-R zones.**
- a. Accessory use.** In other than the RR zone:
 - (1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - (2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - b. Animal enclosures for large animals.**
 - (1) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
 - (2) No portion of a stable, barn or other large animal enclosure shall be located closer than:
 - (a) 40 feet to any dwelling located on another lot.
 - (b) 70 feet to any street centerline and 20 feet to any street right-of-way.
 - (c) 15 feet from the rear property line.
 - (d) 10 feet from the side property lines.
 - (e) 10 feet from the property lines of an interior lot.
 - c. Limitation on dogs.** No more than three dogs shall be allowed on a lot unless a Conditional Use Permit or Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) for either a commercial or non-commercial kennel is first obtained.
 - d. Small non-hoofed animals.** Small non-hoofed animals (e.g., bees, chickens, birds, ducks, rabbits) may be allowed provided that:
 - (1) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - (2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - (3) No rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.
 - e. Animal husbandry.** One small hoofed animal (e.g., goat, pig, sheep) excluding cattle and horses may be kept on a lot as a current and certified (or otherwise documented) 4-H, Future Farmers of America, or similar organization official project for no more than six months within any one 12 month period in compliance with the following standards:

- (1) The lot shall have a minimum net area of 10,000 square feet.
 - (2) On a lot less than one gross acre, project animals shall be confined in a barn, stable, or other animal enclosure that is located no closer than 40 feet to any dwelling on another lot.
- f. Odor and vector control.** Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.
- g. Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.
- h. Erosion and sedimentation control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).
- i. Drainage.** Where livestock are kept in enclosed corrals or barns, provisions shall be made for proper drainage and control of runoff to prevent stagnant, standing water, or the flow of contaminated water in surface or subsurface water supplies.
- 3. Special standards and requirements for animal keeping in the NTS zones.** The following special standards shall apply to animal keeping in the NTS zones:
- a. Accessory use.** Except for animals that are kept as part of an agricultural use of the lot:
- (1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - (2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
- b. Animal enclosures for large animals.**
- (1) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
 - (2) No portion of a stable, barn or other large animal enclosure shall be located closer than:
 - (a) 40 feet to any dwelling located on another lot.
 - (b) 70 feet to any street centerline and 20 feet to any street right-of-way.
 - (c) 15 feet from the rear property line.
 - (d) 10 feet from the side property lines.
 - (e) 10 feet from the property lines of an interior lot.
- c. Limitation on dogs.**
- (1) No more than three dogs shall be allowed on a lot.
 - (2) Dogs shall be controlled by a leash at all times whenever they are outside a recorded development envelope.
- d. Small non-hoofed animals.** Small non-hoofed animals (e.g., chickens, birds, ducks, rabbits) may be allowed provided that:

- (1) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - (2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - (3) Not more than 10 such animals of any species allowed under this category shall be permitted on any lot unless they are kept as part of an agricultural use of the lot.
 - (4) Beekeeping is not allowed.
- e. Boarding and raising of animals.** Boarding and raising of animals for commercial purposes is expressly prohibited.
- 4. Special standards and requirements for animal keeping in the MT-TORO and RMZ zones.**
- a. MT-TORO/~~MT-TORO CZ~~ Zones.** In the MT-TORO ~~and MT-TORO CZ~~ zones, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
 - b. RMZ/~~RMZ CZ~~ Zones.** In the RMZ ~~and RMZ CZ~~ zones, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
- 5. Wildlife species rehabilitation.** The rehabilitation of wildlife species that commonly occur within Santa Barbara County is allowed in all zones subject to the following requirements. For the purposes of this Section, the rehabilitation of wildlife species shall mean the provision of nursing care to sick or injured wildlife prior to returning the animal to the wild.
- a. Permit requirements.** No permit is required for wildlife species rehabilitation activities except that permits may be required by other provisions of this Development Code (e.g., for structures used to enclose or house animals), and by other chapters of the County Code.
 - b. Development standards.** Wildlife species rehabilitation activities shall comply with the standards of Subsection 2.b, Subsection 2.f, and Subsection 2.g, above.
 - c. Cessation of wildlife rehabilitation activities.** The wildlife species rehabilitation shall be conducted in a manner that is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department. If the Director determines that the wildlife species rehabilitation is injurious to the health, safety, or welfare of the neighborhood and/or does create offensive noise or odor, the Director may order the cessation of the wildlife species rehabilitation activities. The decision of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- G. Multiple animal types.** More than one species of animals allowed in compliance with Subsection D. may be kept on a single lot provided that:
1. The requirements of Subsections D and F and all other applicable provisions of this Section are satisfied for each species.
 2. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection D., the total number of animals shall not exceed the density requirement (e.g., in the R-1/E-1 zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of site area with a maximum of five such animals per lot. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

Table 4-12					
Animal Keeping in Agricultural Zones: AG-I, AG-I-CZ, AG-II, AG-II-CZ				E Allowed use, no permit required (Exempt) P Permitted Use, Land Use or Coastal-Permit Required MCUP Minor Conditional Use Permit CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed	
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	Additional Regulations	
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (32)	AG-I	E	1 animal per 20,000 sf if lot is less than 20 acres		
	AG-I-CZ	E	1 animal per 20,000 sf		
	AG-II	E	None		
Commercial boarding and raising of animals for members of the public	AG-I	CUP	None		
	AG-II	E			
Commercial livestock feed or sales yard	AG-I	—	None		
	AG-II	CUP			
	AG-II-CZ	—			
Dairy	AG-I	CUP	None		
	AG-II	E			
Dogs (32)	AG-I	E	3		
	AG-II	E			
Goats and sheep (32)	AG-I	E	1 animal per 20,000 sf if lot is less than 20 acres; maximum 5 per lot		
	AG-I-CZ	E	3 animals per 20,000 sf		
	AG-II	E	None		
Hogs and swine (32)	AG-I	E	1 animal per 20,000 sf if lot is less than 20 acres		
	AG-I-CZ	E	3 animals per 20,000 sf; maximum 3 per lot		
	AG-II	E			
Hog ranch (32)	AG-I	CUP	None		
	AG-II	E			
Household pets	AG-I	E	35.42.060.F.1	35.42.060.F.1	
	AG-II	E			
Kennel, commercial	AG-I	MCUP	None		
	AG-II	E			
Kennel, non commercial (32)	AG-I	E	None		
	AG-II	E			
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (32)	AG-I	E (43)	None		
	AG-II	E			
Wildlife species rehabilitation	AG-I	E	None	35.42.060.F.5	
	AG-II	E			

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I-CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

(32) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

(43) Exempt “E” only if limited to reasonable family use on a non-commercial basis. MCUP required if constitutes a commercial operation.

Table 4-23 Animal Keeping in Resource Management Zones: MT-GOL, MT-TORO, MT-TORO CZ, RMZ, RMZ CZ		E Allowed use, no permit required (Exempt) P Permitted Use, Land Use or Coastal-Permit Required MCUP Minor Conditional Use Permit CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed		
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E		
	RMZ	E		
Commercial boarding and raising of animals for members of the public	MT-GOL	—		
	MT-TORO	—		
	RMZ	—		
Dogs (3)	MT-GOL	E	3	
	MT-TORO	E		
	RMZ	E		
Goats and sheep (3)	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E		
	RMZ	E		
Hogs and swine (3)	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E		
	RMZ	MCUP		
Hog ranch	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E		
	RMZ	E		
Household pets	MT-GOL	E	35.42.060.F.1	35.42.060.F.1
	MT-TORO	E		
	RMZ	E		
Kennel, non-commercial (3)	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E		
	RMZ	E		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	MT-GOL	E	None	35.42.060.F.3
	MT-TORO	E (4)		
	RMZ	E (4)		
Wildlife species rehabilitation	MT-GOL	E	None	35.42.060.F.5
	MT-TORO	E		
	RMZ	E		

Notes:

- ~~(1)~~ The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., RMZ and RMZ CZ).
- ~~(2)~~ See Subsection 35.42.060.G (Multiple animal types) above.
- ~~(3)~~ Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- ~~(4)~~ Exempt “E” only if limited to reasonable family use on a non-commercial basis.

Table 4-34		E	Allowed use, no permit required (Exempt)
		P	Permitted Use, Land Use or Coastal-Permit Required
		MCUP	Minor Conditional Use Permit
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Animal Keeping in Residential Zones: RR, RR-CZ, R-1/E-1, R-1/E-1-CZ, EX-1, EX-1-CZ			
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)
			Additional Regulations
Animal Husbandry project	RR	E	As provided below for different animal types 1 large hoofed animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hoofed animal (not including cattle or horses) if lot is a minimum of 10,000 sf
	R-1/E-1	E	
	EX-1	E	
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres 1 animal per 20,000 sf 1 animal per 20,000 sf with a maximum of 5 animals per lot
	RR-CZ	E	
	R-1/E-1	E	
	EX-1	E	
Commercial boarding and raising of animals for members of the public	RR	MCUP	None
	R-1/E-1	—	
	EX-1	—	
Dogs (3)	RR	E	3
	R-1/E-1	E	
	EX-1	E	
Goats and sheep (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres 3 animals per 20,000 sf 1 animal per 20,000 sf; maximum 3 animals per lot
	RR-CZ	E	
	R-1/E-1	E	
	EX-1	E	
Hogs and swine (3)	RR	E	1 animal per 20,000 sf if lot is less than 20 acres; maximum 5 animals per lot 3 animals per 20,000 sf; maximum 3 animals per lot 1 animal per 20,000 sf; maximum 3 animals per lot
	RR-CZ	E	
	R-1/E-1	E	
	EX-1	E	
Household pets	RR	E	35.42.060.F.1
	R-1/E-1	E	
	EX-1	E	
Kennel, commercial	RR	CUP	None
	R-1/E-1	CUP	
	EX-1	—	
Kennel, non-commercial (3)	RR	MCUP	None
	R-1/E-1	MCUP	
	EX-1	MCUP	
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	RR	E	None
	R-1/E-1	E	
	EX-1	E	
Wildlife species rehabilitation	RR	E	None
	R-1/E-1	E	
	EX-1	E	

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., RR and RR-CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

(3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

Table 4-45 Animal Keeping in Residential Zones: R-2, R-2 CZ, DR, <u>MR-O</u>, DR CZ, PRD, PRD CZ		E Allowed use, no permit required (Exempt) P Permitted Use, Land Use or Coastal Permit Required MCUP Minor Conditional Use Permit CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed		
		Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)
Animal husbandry project	R-2	E	1 large hooved animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hooved animal (not including cattle or horses) if lot is a minimum of	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)	R-2	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Dogs	R-2	E	3	
	DR	E		
	MR-O	—		
	PRD	—		
Goats and sheep (3)	R-2	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Hogs and swine (3)	R-2	E	1 animal per 20,000 sf; maximum 3 animals per lot	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Household pets	R-2	E	35.42.060.F.1	35.42.060.F.1
	DR	E		
	MR-O	E		
	PRD	E		
Kennel, commercial	R-2	CUP	None	
	DR	CUP		
	MR-O	—		
	PRD	—		
Kennel, non-commercial (3)	R-2	MCUP	None	
	DR	MCUP		
	MR-O	—		
	PRD	—		
Small non-hooved animals, including bees, birds, fowl and poultry, rabbits (3)	R-2	E	None	35.42.060.F.2
	DR	E		
	MR-O	—		
	PRD	—		
Wildlife species rehabilitation	R-2	E	None	35.42.060.F.5
	DR	E		
	MR-O	—		
	PRD	E		35.42.060.F.5

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., R-2 and R-2 CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

(3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

Table 4-56		E Allowed use, no permit required (Exempt) P Permitted Use, Land Use or Coastal-Permit Required MCUP Minor Conditional Use Permit CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed	
Animal Keeping in Residential Zones: SLP, SR-M CZ, SR-H CZ, MHP, MHP-CZ, MHS			
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Household pets	SLP	E	35.42.060.F.1
	SR-M CZ	E	
	SR-H CZ	E	
	MHP	E	
	MHS	E	
Wildlife species rehabilitation	SLP	E	35.42.060.F.5
	SR-M CZ	E	
	SR-H CZ	E	
	MHP	E	
	MHS	E	

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., SLP and SLP CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

Table 4-67		E Allowed use, no permit required (Exempt) P Permitted Use, Land Use or Coastal-Permit Required MCUP Minor Conditional Use Permit CUP Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed	
Animal Keeping in Commercial Zones: CN, C-1, C-1 CZ, C-2, C-2 CZ, C-3, CS, CH, CH CZ, CV, CV CZ, SC, PI, PI CZ			
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Household pets	CN	E	35.42.060.F.1
	C-1	E	
	C-2	E	
	C-3	E	
	CS	E	
	CH	E	
	CV	E	
	PI	E	
Wildlife species rehabilitation	CN	E	35.42.060.F.5
	C-1	E	
	C-2	E	
	C-3	E	
	CS	E	
	CH	E	
	CV	E	
	PI	E	

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., CN and CN CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

Type of Animal or Animal Keeping Activity		Permit Requirement by Zone ⁽¹⁾		Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations
		Zone	Requirement		
Household pets		M-RP	E	35.42.060.F.1	35.42.060.F.1
		M-1	E		
		M-2	E		
		M-CR	E		
		M-CD	E		
Wildlife species rehabilitation		M-RP	E		35.42.060.F.5
		M-1	E		
		M-2	E		
		M-CR	E		
		M-CD	E		

Notes:

(1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., MR-P and MR-P-CZ).

(2) See Subsection 35.42.060.G (Multiple animal types) above.

Table 4-89		E	Allowed use, no permit required (Exempt)
Animal Keeping in Special Purpose Zones:		P	Permitted Use, Land Use Permit Required
MU, NTS, OT-R, OT-R/LC, OT-R/GC, PU,		MCUP	Minor Conditional Use Permit
REC, TC		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)	Maximum Number of Animals per Lot (2)	Additional Regulations
Animal husbandry	MU	—	1 large hooved animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hooved animal (not including cattle or horses) if lot is a minimum of 10,000 sf
	NTS	E (3)	
	OT-R	E	
	OT-R/LC	—	
	OT-R/GC	—	
	PU	—	
	REC	—	
Household pets	MU	E	35.42.060.F.1
	NTS	E	
	OT-R	E	
	OT-R/LC	E	
	OT-R/GC	E	
	PU	E	
	REC	E	
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (4)	MU	—	1 animal per 20,000 sf with a maximum of 5 animals per lot
	NTS	E	
	OT-R	E	
	OT-R/LC	—	
	OT-R/GC	—	
	PU	—	
	REC	—	
Commercial raising and boarding of animals	MU	—	
	NTS	E (5)	
	OT-R	—	
	OT-R/LC	—	
	OT-R/GC	—	
	PU	—	
	REC	—	
Goats and sheep (4)	MU	—	1 animal per 20,000 sf; maximum of 5 animals per lot
	NTS	E	
	OT-R	E	
	OT-R/LC	—	
	OT-R/GC	—	
	PU	—	
	REC	—	

Table 4-8-9 - Continued Animal Keeping in Special Purpose Zones: MU, NTS, OT-R, OT-R/LC, OT-R/GC, PU, PU CZ, REC, REC CZ, TC		E P MCUP CUP S —	Allowed use, no permit required (Exempt) Permitted Use, Land Use or Coastal Permit Required Minor Conditional Use Permit Conditional Use Permit required Permit requirement set by Specific Use Regulations Use not allowed	
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone ⁽¹⁾		Maximum Number of Animals per Lot ⁽²⁾	Additional Regulations
Hogs and swine ⁽⁴⁾	MU	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	NTS	E	1 animal per 20,000 sf; maximum 3 animals per lot	35.42.060.F.3
	OT-R	E	1 animal per 20,000 sf; maximum 5 animals per lot	35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU	E	None	
	REC	—		
Hog ranch	MU	—		
	OT-R	—		
	OT-R/LC	—		
	OT-R/GC	—		
	PU	—		
	REC	—		
	TC	—		
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits ⁽⁴⁾ ; ⁽⁶⁾	MU	E	35.42.070	35.42.060.F.2
	NTS ⁽⁶⁾	E	10	35.42.060.F.3
	OT-R	E	35.42.070	35.42.060.F.2
	OT-R/LC	—		
	OT-R/GC	—		
	PU	E	None	
	REC	—		
Wildlife species rehabilitation	MU	E	None	35.42.060.F.5
	NTS	E		
	OT-R	E		
	OT-R/LC	E		
	OT-R/GC	E		
	PU	E		
	REC	E		
TC	E			

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., PU and PU CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.
- (3) Animal husbandry is only allowed in conjunction with equestrian facilities (see Table 2-22).
- (4) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (5) Raising and boarding of animals is only allowed for the non-commercial benefit of residents and owners (see Table 2-22).
- (6) Beekeeping is not allowed in the NTS zone.

35.42.070 - ~~Reserved~~ Aquaculture

~~**A. Purpose and applicability.** This Section provides standards for aquaculture facilities in the Coastal Zone, where allowed by Article 35.2 (Zones and Allowable Land Uses).~~

~~**B. Development and operating standards.**~~

- ~~1. Aquaculture facilities located in areas designated as rural on the Comprehensive Plan maps shall be sited and designed to be compatible with the natural surroundings.~~
- ~~2. To minimize impacts on coastal visual resources, structures shall be well screened and depressed below grade when feasible.~~
- ~~3. Intake and outfall lines for ocean water shall be located underground unless infeasible for a particular operation (e.g., salmon culture).~~
- ~~4. If above ground channels or pipes are necessary, adequate provisions for lateral beach access shall be required.~~

35.42.075 - Cannabis Regulations

A. Purpose and applicability.

- 1. Purpose.** This Section establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.
- 2. Applicability.** The standards of this Section shall apply to all commercial cannabis activities as defined in [35.110.020 \(Definition of Specialized Terms and Phrases\)](#) and as may be permitted in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone Table in this Section, for the listed zones. Commercial cannabis activities shall only be permitted in the AG-I, AG-II, C-1, C-2, C-3, CS, SC, PI, M-RP, M-1, M-2, MU, CM-LA, OT-R/LC, and OT-R/GC zoning districts in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#) and the Allowed Cannabis Uses and Permit Requirement by Zone Tables in this Section. Commercial cannabis activities shall also comply with the following:
 - a. All commercial cannabis activities shall comply with the provisions of this Section, as well as all applicable State laws.
 - b. Nothing in this Section is intended, nor shall it be construed, to allow persons to engage in conduct that endangers others or causes a public nuisance.
 - c. Nothing in this Section is intended, nor shall it be construed, to exempt the cultivation of cannabis from compliance with all other applicable County zoning and land use regulations, as well as other applicable provisions of the County Code, State and local cannabis licensing requirements, or compliance with any applicable State laws.
 - d. All persons operating facilities and conducting commercial cannabis activities, as defined in this Section, are subject to possible Federal prosecution, regardless of State licensure. Any land use or other entitlement from the County does not assert or provide any Federal protections.
 - e. The provisions of this Section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, use of and/or any other activity associated with controlled substances, or to authorize conduct that is unlawful under State or Federal law. Moreover, cultivation, sale, possession, distribution, and

use of cannabis remain violations of Federal law as of the date of adoption of the ordinance creating this Section and this Section is not intended to, and does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under those Federal laws. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis and/or any other cannabis activity.

3. Cannabis activities already are highly regulated by both the state and federal governments, and their regulation of cannabis activities is subject to rapid changes. The Board of Supervisors retains all of its statutory planning and zoning authority concerning cannabis activities. For example, even if the Ordinance (Case No. 17ORD-00000-00004) adding this section becomes operative, the Board of Supervisors still may take action(s) later to change the zoning of cannabis activities to being prohibited. Changing the zoning of cannabis activities to being prohibited, could occur – for example, but is not limited to – if: 1) the County Treasurer is not able to deposit cannabis-related funds in a suitable financial institution; and/or 2) the Board of Supervisors submits a proposed County tax on commercial cannabis activity to the voters and the voters do not approve the tax. In part because cannabis activities are highly regulated by both the state and federal governments and their regulation of cannabis activities is subject to rapid changes, the Board of Supervisors later may need to change the zoning of cannabis activities to being prohibited and may need to do so without cannabis activities receiving: 1) an amortization period; and/or 2) legal nonconforming use status.

B. Allowed uses and permit requirements.

1. Permit requirement for commercial cannabis activities.

- a. Commercial cannabis activities may only occur in compliance with the approval of the applicable permit identified in the Allowed Cannabis Uses and Permit Requirement by Zone tables in this section, and in allowable land use tables of [Article 35.2 \(Zones and Allowable Land Uses\)](#). The required permit shall be obtained prior to the commencement of the cannabis activity. All conditions of the permit for the cannabis activity shall be satisfied prior to the commencement of the cannabis activity or as otherwise specified in the conditions of the permit.
- b. In addition to obtaining a permit from the County as required in Subsection a above, permittees of commercial cannabis activities must also obtain and maintain in good status a valid County business license, as required by the County Code, and a valid State cannabis license, as required by the California Business and Professions Code.

2. Cultivation for personal use allowed. The cultivation of cannabis for personal use is allowed without a land use entitlement, provided that it complies with the following standards:

- a. Only adults 21 years or older may cultivate cannabis for personal use.
- b. Cultivation of cannabis for personal use shall only occur within:
 - (1) A legally established, secure dwelling, or
 - (2) An enclosed, legally established, secure building that is accessory to a dwelling.
 Outdoor cultivation is prohibited.
- c. Possession, storage, and/or cultivation of cannabis shall only be exclusively for the cultivator's personal use, and the cannabis shall not be provided, donated, sold, and/or distributed to any other person, except as allowed by and as described in State law and the Compassionate Use Act for primary caregivers who cultivate medicinal cannabis.
- d. Personal cultivation of cannabis is limited to six plants per legally established dwelling, unless otherwise allowed by State law in the Compassionate Use Act for medicinal cannabis.
- e. The area dedicated to cultivation shall not be located in an area that is designated for a use

that is required in order to comply with a regulation of this ordinance (e.g., in a garage if the growing area would occupy required parking spaces for the residential use of the property).

- f. None of the cannabis cultivation or consumption activities shall be detectable (e.g., due to odor or lighting) outside of the dwelling or building in which the activities occur.
- 3. Noticing for Commercial Cannabis Activities.** Entitlements for commercial cannabis uses and/or development shall be subject to the applicable noticing requirements set forth in [Chapter 35.106 \(Noticing and Public Hearings\)](#), except that a mailed notice regarding a pending action or hearing regarding a commercial cannabis entitlement shall be provided to all owners of property:
- a. Located within a 1,000-foot radius of the exterior boundaries of the subject lot; and
 - b. Located within an Existing Developed Rural Neighborhood (EDRN), if the proposed use: is to be located within the boundaries of an EDRN; is to be located on a lot adjacent to an EDRN; or requires the use of a roadway within an EDRN as the sole means of access to the lot on which commercial cannabis activities will occur.
- 4. Permit Requirements for commercial cannabis activities.** ~~The~~ [Table 4-10 through Table 4-13](#) below ~~tables~~ identify the commercial cannabis land uses allowed by this Development Code in each zone, and the planning permit required to establish each use.

Table 4-10 Permit Requirements for Cannabis in Agricultural Zones	P	Permitted use, Land Use Permit required (2)
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	AG-I	AG-II

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	— / CUP(2)(3)(7)	P(2)(6)
Cultivation – Mixed-light	— / CUP(2)(3)(7)	P(2)(6)
Cultivation – Indoor	— / CUP(2)(3)(7)	P(2)(6)
Nursery	— / CUP(3)(5)(7)	P(5)
Microbusiness	—	CUP(2)(4)

CANNABIS DISTRIBUTION, MANUFACTURING, AND TESTING

Distribution	— / CUP(2)(7)	P(2)
Non-volatile Manufacturing	— / CUP(2)(7)	P(2)
Volatile Manufacturing	— / CUP(2)(7)	CUP(2)
Testing	—	—

CANNABIS RETAIL

Retail	—	—
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Key to Zone symbols

AG-I	Agriculture I	AG-II	Agriculture II
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Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.
- (3) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN), or commercial cannabis cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the lot on which cultivation will occur, require a CUP.
- (4) Microbusiness - only allows non-storefront retail.
- (5) Nursery operation shall not be located within 600-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the closest premise of the cannabis activity is to be located, without regard to intervening structures.
- (6) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.
- (7) Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#). See Section 35.42.075.B.5.

Table 4-11 Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			
	CN	C-1	C-2	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—
Cultivation - Mixed-light	—	—	—
Cultivation – Indoor	—	—	—
Nursery	—	—	—
Microbusiness	—	CUP(2)	CUP(2)

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—
Non-volatile Manufacturing	—	—	—
Volatile Manufacturing	—	—	—
Testing	—	P(2)	P(2)

CANNABIS RETAIL

Retail	—	P(2)	P(2)
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Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.

Table 4-11 – Continued Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				
	C-3	CS	CH	CM-LA	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—	—
Cultivation - Mixed-light	—	—	—	—
Cultivation – Indoor	—	—	—	—
Nursery	—	—	—	—
Microbusiness	CUP(2)	CUP(2)	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	P(2)	—	—	—
Non-volatile Manufacturing	—	—	—	CUP(2)
Volatile Manufacturing	—	—	—	—
Testing	P(2)	—	—	—

CANNABIS RETAIL

Retail	P(2)	P(2)	—	CUP(2)
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Key to Zone Symbols

C-3	General Commercial	CH	Highway Commercial
CS	Service Commercial	CM-LA	Community Mixed Use - Los Alamos

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.

Table 4-11 – Continued Permit Requirements for Cannabis in Commercial Zones	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			
	C-V	SC	PI	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—
Cultivation - Mixed-light	—	—	—
Cultivation – Indoor	—	—	—
Nursery	—	—	—
Microbusiness	—	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—
Non-volatile Manufacturing	—	CUP(2)	—
Volatile Manufacturing	—	—	—
Testing	—	—	P(2)

CANNABIS RETAIL

Retail	—	P(2)	—
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Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Professional and Institutional
SC	Shopping Center		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.

Table 4-12 Permit Requirements for Cannabis in Industrial Zones	P	Permitted use, Land Use Permit required (2)		
	MCUP	Minor Conditional Use Permit required		
	CUP	Conditional Use Permit required		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			
	M-RP	M-1	M-2	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	P(2)	P(2)	P(2)
Cultivation - Mixed-light	P(2)	P(2)	P(2)
Cultivation – Indoor	P(2)	P(2)	P(2)
Nursery	P(3)	P(3)	P(3)
Microbusiness	—	CUP(2)	CUP(2)

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	P(2)	P(2)	P(2)
Non-volatile Manufacturing	P(2)	P(2)	P(2)
Volatile Manufacturing	—	P(2)	P(2)
Testing	P(2)	P(2)	P(2)

CANNABIS RETAIL

Retail	—	P(2)	—
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Key to Zone Symbols

M-RP	Industrial Research Park	M-2	General Industry
M-1	Light Industry		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise property, without regard to intervening structures.
- (3) Nurseries shall not be located within 600-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the closest point of the nursery premises, without regard to intervening structures.

Table 4-13 Permit Requirements for Cannabis in Special Purpose Zones	P	Permitted use, Land Use Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

CANNABIS CULTIVATION AND MICROBUSINESS

Cultivation – Outdoor	—	—	—	—	—
Cultivation - Mixed-light	—	—	—	—	—
Cultivation – Indoor	—	—	—	—	—
Nursery	—	—	—	—	—
Microbusiness	—	—	—	—	—

CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING

Distribution	—	—	—	—	—
Non-volatile Manufacturing	CUP(2)	—	—	CUP(2)	CUP(2)
Volatile Manufacturing	—	—	—	—	—
Testing	—	—	—	—	—

CANNABIS RETAIL

Retail	CUP(2)	—	—	CUP(2)	CUP(2)
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Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) The cannabis operation shall not be located within 750 feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.

5. Permit Requirements for commercial cannabis activities on lots zoned AG-I. Commercial cannabis activities are prohibited on AG-I zoned lots that are equal to, or less than, 20 acres in size. On lots zoned AG-I that are greater than 20 acres in size any commercial cannabis activity requires approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

C. General commercial cannabis activities development standards.

1. Archaeological and paleontological surveys. When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with the County’s current Cultural Resource Guidelines, the applicant shall provide a Phase 1 cultural resource study documenting the absence or presence of cultural resources in the project area. If current or previously conducted Phase 1 studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with applicable cultural resource protection policies. All required studies shall be prepared in accordance with the requirements of the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines, and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:

- a. In accordance with applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.
 - b. As necessary, additional studies (i.e., Phase 1 inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.
 - c. If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and appropriately protected during grading and construction. For any work conducted within a prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer as applicable.
 - d. An educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.
- 2. Fencing and Security Plan.** The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to [Section 35.30.070 \(Fences and Walls\)](#). Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Fencing and Security Plan shall include the following:
- a. The Fencing Plan shall depict typical fencing details, including location, fence type, and height.
 - b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.
 - d. Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.
 - ~~f~~e. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.
 - ~~f~~g. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.
 - ~~h~~g. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.
- 3. Landscape Plan and Screening Plan.** The applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, shall comply with [Chapter 35.34 \(Landscaping Standards\)](#), and the standards listed below. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:

- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and on-site parking areas from the nearest public road(s).
 - b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.
 - c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.
 - d. If, due to site-specific conditions (e.g., slopes), an applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened.
- 4. Lighting Plan.** The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to [Section 35.30.120 \(Outdoor Lighting\)](#), and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community Plans.
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.
 - d. Lighting is prohibited in hoop structures.
 - e. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.
- 5. Noise Plan.** The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Noise Plan shall demonstrate compliance with the following standards:
- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.
 - b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.
 - c. The combined decibel level for all noise sources, as measured at the property line of the lot on

which the cannabis activity is located, shall not exceed 65 decibels.

ed. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.

6. Odor Abatement Plan. The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required in AG-II zoning, unless a CUP is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
- b. A description of the specific odor-emitting activity(ies) that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
- d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- e. Approved odor control systems, subject to certification as required in Subsection **d.** above, may include, but are not limited to:
 - (1) Activated carbon filtration systems.
 - (2) Vapor-phase systems. Vapor-phase systems must comply with the following:
 - (a) The resulting odors must be odor-neutralizing, not odor-masking.
 - (b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).
 - (c) Use of these systems must have supporting documentation to demonstrate that the systems meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.
 - (3) Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:
 - (1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - (2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.
 - (3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.
 - (4) Failure to respond to calls in a timely and appropriate manner may result in revocation

of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.

- (5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.

- g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
- h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35.42.075.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to [Chapter 35.108 \(Enforcement and Penalties\)](#) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).

7. **Signage.** All signs shall comply with [Chapter 35.38 \(Sign Standards\)](#).

8. **Tree Protection, Habitat Protection, and Wildlife Movement Plans.** The applicant for any cannabis permit for a site that would involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with [Appendix JH: Cannabis Activities Additional Standards](#). The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.

D. Specific use development standards. All commercial cannabis activities shall comply with the following development standards specific to the applicable permit type.

1. Cultivation.

- a. **Avoidance of prime soils.** All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible.

Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.

- b. **Cannabis cultivation within an Existing Developed Rural Neighborhood (EDRN).**

Cultivation sites located within an EDRN, or cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the cultivation lot, shall require approval of a Conditional Use Permit by the Planning Commission and compliance with applicable standards in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

- c. **Cannabis Waste Discharge Requirements General Order.** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.
- d. **Hoop structure lighting.** Lighting shall be prohibited in hoop structures.
- e. **M-RP zone requirements.** Cultivation shall only occur indoors on a lot zoned M-RP (Industrial Research Park).
- f. **Mixed-light cultivation lighting requirements.** Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside of the structure in which the lighting is located between sunset and sunrise.
- g. **Public Lands.** No cannabis cultivation shall be permitted on public lands.
- h. **Post-processing and packaging.** Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation operation(s) when processed on the same lot.
- i. **Site Transportation Demand Management Plan.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Site Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Site Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:
 - (1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.
 - (2) Provide shared parking areas for ridesharing on large and/or rural lots.
 - (3) Provide bicycle storage/parking facilities.
 - (4) Provide incentives to employees to rideshare or take public transportation.
 - (5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.
- j. **Water efficiency for commercial cannabis activities.** To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:
 - (1) Evaporative barriers on exposed soils and pots.
 - (2) Rainwater capture and reuse.
 - (3) Recirculated irrigation water (zero waste).
 - (4) Timed drip irrigation.
 - (5) Soil moisture monitors.
 - (6) Use of recycled water.

- k. On lots zoned AG-I, outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.
- l. Cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.

2. Distribution.

- a. **Cultivation limits.** Distribution on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- (1) A minimum of 10% of the cannabis product distributed shall be sourced from cannabis plant material cultivated on the same lot on which the distribution activities will occur.
- (2) Distribution shall be subordinate and incidental to the cultivation use of the lot, and the area designated for distribution shall occupy a smaller footprint than the area that is designated for cultivation on the lot.

3. Manufacturing.

- a. **Cultivation limits.** Manufacturing (volatile and non-volatile) on a lot zoned AG-I or AG-II shall only be allowed as an accessory use to cannabis cultivation and shall comply with the following requirements:

- (1) A minimum of 10% of the cannabis product manufactured shall be sourced from cannabis plant material cultivated on the same lot on which the manufacturing activities will occur.
- (2) Manufacturing shall be subordinate and incidental to the cultivation use of the lot, and the area designated for manufacturing shall occupy a smaller footprint than the area that is designated for cultivation on the lot.

- b. **Home Occupation.** No cannabis manufacturing shall be permitted as a Home Occupation including Cottage Food Operations and In-home Retail Sales in accordance with [Section 35.42.190 \(Home Occupations\)](#).

- c. **Volatile Manufacturing Employee Training Plan.** The applicant shall prepare and submit to the Department for review and approval a Volatile Manufacturing Employee Training Plan. The Volatile Manufacturing Employee Training Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Volatile Manufacturing Employee Training Plan shall include, at a minimum, the following elements:

- (1) Training employees on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.
- (2) A log, identifying trained employees and the date upon which training was completed. The operator shall maintain the Employee Training Log for a minimum of five years.

- 4. **Microbusiness.** Microbusinesses shall only include delivery retail in the AG-II zone in compliance with the permit requirement identified in [Chapter 35.21 \(Agricultural Zones\)](#). No retail sales shall occur on the lot on which the microbusiness exists, in AG-II zones.

5. Retail.

- ↳a. No cannabis consumption, including, but not limited to, smoking, vaporizing or ingesting, shall be permitted on the premises of a retailer or microbusiness.

- E. **Records.** Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by this

Section, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. All records, unless otherwise specified in this Section, shall be maintained for 5 years and shall be subject to review, inspection, examination, and audit by the Department.

- F. Inspection.** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article.
- G. Land use entitlement compliance.** Following issuance of the land use entitlement for the cannabis activity, all commercial cannabis activities that are subject to a land use entitlement shall be subject to County inspection to determine compliance with the land use entitlement requirements, this Ordinance, County Code, and State law.
- H. Revocation.** Any entitlement to allow commercial cannabis activities may be revoked in compliance with [Section 35.84.60 \(Revocation of Entitlement to Land Use\)](#).

35.42.080 - Caretaker or Employee Housing

- A. Purpose and applicability.** This Section provides standards for caretaker or employee housing, not including agricultural employee dwellings (see [Section 35.42.030 \(Agricultural Employee Dwellings\)](#)) where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Development standards.** Caretaker or employee housing shall be occupied by the owner, manager or caretaker of the lot who oversees or operates the principal use of the property or provides security (e.g., night watchmen).

35.42.090 - Community Care Facilities

- A. Purpose and applicability.** This Section establishes standards for community care facilities where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). Community care facilities shall be in operated in compliance with State law and in a manner that recognizes the needs of community care operators and minimizes the effects on surrounding properties. Licensing by the appropriate State agency is required for community care facilities unless they are able to operate legally without a license in compliance with State law.
- B. Family day care.**
 - 1. Processing.**
 - a. Family day care homes may be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
 - b. The review of an application for a family day care home shall be a ministerial action.
 - c. If required, notice of the application and pending decision on a permit for a family day care home shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - 2. Standards that apply to all family day care homes.** Family day care homes shall comply with the following standards:
 - a. During the operation of the family day care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.
 - 3. Additional standards that apply to large family day care homes.** Large family day care homes shall also comply with the following standards in addition to the standards of Subsection B.2, above:
 - a. The large family day care home shall be located more than 300 feet from any other large family day care home.

C. Day care centers.**1. Processing.**

- a. Day care centers may be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- b. If required, notice of the application and pending decision on a permit for a day care center shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

2. Standards that apply to all day care centers. Day care centers shall comply with the following standards:

- a. During the operation of the day care center the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services if such license or exemption is required in compliance with State law.

3. Additional standards that apply to non-residential day care centers. Non-residential day care centers shall also comply with the following standards in addition to the standards of Subsection C.2, above:

- a. The day care center shall be sited and designed to ensure compatibility with other permitted uses on the project site and on adjacent lots, as determined by the review-authority.
- b. The ambient noise level of the proposed location for the day care center shall not exceed those standards in the Noise Element for sensitive land uses (e.g., residences and schools).
- c. The following standards may be modified by the decision-maker due to site-specific and other considerations provided the operation of the center is still compatible with other permitted uses on the project site and on adjacent lots in compliance with Subsection C.3.a, above.
 - (1) Outdoor play areas shall be separated from abutting uses by a solid masonry wall not less than four feet in height.
 - (2) The total number of adults, or children, or adults and children shall not exceed 30.
 - (3) The total gross square footage of the facility including outdoor play areas shall not exceed 5,000 square feet.
- d. When allowed as accessory to a permitted use, the use of the day care center is restricted to use solely by the onsite employees of the development.

D. Special care homes.**1. In general.**

- a. Special care homes are residential care facilities (including group homes) licensed by the State that provide non-medical care on a 24-hour basis to persons who require special care or services including assistance with daily living activities.
 - (1) A special care home may provide incidental medical services such as the giving of medication that can normally be self-administered.
- b. The requirements of this Development Code may be modified in compliance with [Chapter 35.37 \(Reasonable Accommodation\)](#) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, ramps).
- c. During the operation of the special care home the provider shall have a valid license or a statement of exemption from licensing requirements from the California State Department of Social Services in compliance with State law.

- 2. Special care homes serving six or fewer persons.** For the purposes of this Subsection D.2, the term family dwelling includes single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.
- a. Considered a residential use.** In compliance with California Health and Safety Code Section 1566.3, a special care home licensed by the State that serve six or fewer persons shall be considered a residential use of property, and the residents and operators of the facility shall be considered a family as this term is used in this Development Code in relation to the residential use of property.
- b. Allowable restrictions.**
- (1) Restrictions on structure height, setbacks, lot dimensions or placement of signs of a special care home that serves six or fewer persons may be applied as long as such restrictions are identical to those applied to other family dwellings of the same type in the same zone.
 - (2) A special care home shall that serves six or fewer persons shall comply with County ordinances that deal with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of the County including the imposition of fines and other penalties associated with violations of local ordinances if the ordinance:
 - (a) Does not distinguish special care homes that serve six or fewer persons from other family dwellings of the same type in the same zone; and,
 - (b) Does not distinguish residents of the special care home from persons who reside in other family dwellings of the same type in the same zone.
- c. Considered a dwelling.** Special care homes that serve six or fewer persons are considered a dwelling and shall be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). Such facilities shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the facility is a business run for profit or differs in any other way from a family dwelling.
- d. Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- e. Not a change in occupancy.** Use of a family dwelling for purposes of a special care home serving six or fewer persons shall not constitute a change of occupancy for purposes local building codes.
- f. Processing.**
- (1) Special care homes that serves six or fewer persons shall be considered a residential use and may be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required of a special care home that serve six or fewer persons that is not required of a dwelling of the same type in the same zone.
 - (2) If required, notice of the application and pending decision on a permit for a special care home shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

- (3) When a special care home serving six or fewer persons is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

3. Special care homes serving seven or more persons.

- a. Minor Conditional Use Permit required.** A special care home serving seven or more persons shall be required to obtain a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and Article 35.2 (Zones and Allowable Land Uses) prior to the operation of the special care home.
- b. Development standards.**
 - (1) There shall be only a single kitchen.
 - (2) Off-street parking shall be provided in compliance with Chapter 35.36 (Parking and Loading Standards).

E. Transitional and supportive housing.

- 1. Considered a residential use.** In compliance with Government Code Section 65583(a)(5), transitional and supportive housing facilities shall be considered residential uses of property, and the residents and operators of the facility shall be considered a family as this term is used in this Development Code in relation to the residential use of property.
- 2. Dwelling types.** For the purposes of this Subsection E (Transitional and supportive housing), the term dwelling includes one-family dwellings, two-family dwellings, multiple dwellings, residential second units, single-room occupancy facilities, special care homes, agricultural employee housing, farmworker housing, caretaker units, employee residences, incentive dwelling units, live/work units, modular homes, and mobilehomes, including mobilehomes located in mobilehome parks.
- 3. Subject to same permit requirements and development standards.** Except when a specific permit type is identified in the allowable land use tables within Chapters 35.21 through 35.26, transitional housing and supportive housing shall be allowed in any dwelling (residential use) allowed in a specific zone, subject to the same permit requirements (e.g., Land Use Permit or Conditional Use Permit) and the same development standards and occupancy restrictions that apply to the same type of dwelling that will be used for transitional housing or supportive housing in the same zone.
- 4. Reasonable accommodation.** The requirements of this Development Code may be modified in compliance with Chapter 35.37 (Reasonable Accommodation) if necessary to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act relating to accommodations for persons with disabilities including allowances for structural installations that are necessary to accommodate disabled residents (e.g., handrails, lifts, and ramps).
- 5. Allowable restrictions.**
 - a. Transitional and supportive housing shall comply with County ordinances, including restrictions on structure height, setbacks, lot dimensions, and placement of signs, as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
 - b. Supportive services provided onsite shall only serve residents of that particular housing project who are members of the target population.
 - c. Pursuant to Government Code Section 65589.5(d), the County shall not disapprove a transitional or supportive housing project for very low, low-, or moderate-income households, or condition approval in a manner that renders the project infeasible for development for the

- use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the findings in Government Code Sections 65589.5(d)(1) through (5).
- d. Pursuant to Government Code Section 65589.5(j), if the County proposes to disapprove a transitional or supportive housing project or approve it upon the condition that the project be developed at a lower density, the County shall base its decision regarding the proposed project upon written findings supported by substantial evidence on the record that both of the conditions in Government Code Section 65589.5(j)(1) and (2) exist.
- 6. Fees.** Transitional and supportive housing shall not be subject to any local business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- 7. Not a change in occupancy.** The use of a dwelling for purposes of transitional or supportive housing shall not constitute a change of occupancy for purposes of local building codes.
- 8. Processing.**
- a. Transitional and supportive housing shall be considered residential uses and may be allowed in compliance with Article 35.2 (Zones and Allowable Land Uses) and Government Code Section 65583(a)(5). No Conditional Use Permit, Variance, or other planning permit shall be required of transitional or supportive housing that is not required of a dwelling of the same type in the same zone.
- b. If required, notice of the application and pending decision on a permit for transitional or supportive housing shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
- c. When transitional or supportive housing is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the housing if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

35.42.100 - Composting Facilities

- A. Purpose and applicability.** This Section provides standards for the operation of composting facilities ~~within the Inland area~~, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Standards.** Composting facilities may include the use of off-premise generated feedstock and the on-premise commercial sale of the resultant compost products, subject to, at a minimum, the following standards:
- 1. Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.
 - 2. Structure for sale of composting product.** If a structure is required for the sale of a product, the sale shall be conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
 - 3. Parking.** A minimum of two permanently maintained onsite parking spaces shall be provided which shall not be located closer than 20 feet to the right-of-way line of any street.
 - 4. Permit requirements.** All other permits required by County Departments for a facility, except those permits required by the Division of Building and Safety, shall be obtained before approval of a Land Use Permit.
 - 5. Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the

Public Health Department, Environmental Health Services Division, on a quarterly basis.

- 6. Signs.** Signs accessory to the composting facility shall conform to [Chapter 35.38 \(Sign Standards\)](#).
- C. Additional findings for the Gaviota Coast Plan Area.** In addition to the findings required in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) before the approval of a Conditional Use Permit for a composting facility the review-authority shall make all of the following findings:
1. The facility will not result in significant adverse impacts to visual resources.
 2. The facility will not include a new at-grade crossing of Highway 101.

35.42.110 - Conference Centers

- A. Purpose and applicability.** This Section provides standards for conference centers where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Conference centers.**
1. **Prohibited uses.** A conference center shall not be used for sales promotional groups or for groups assembled primarily for social purposes.
 2. **Time limits.** Conference centers may be used by persons assembled for periods of time not to exceed 60 days. The 60-day limitation may be extended in special circumstances by the Board on recommendation by the Commission.

35.42.120 - Crematoriums, Funeral Homes, and Mortuaries

- A. Purpose and applicability.** This Section provides standards for the operation of crematoriums, funeral homes, and mortuaries, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Locations where allowed.** Crematoriums, funeral homes, and mortuaries may be allowed in the following locations subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):
1. Within cemeteries operating under a valid use permit;
 2. On any lot abutting a cemetery; or
 3. ~~Within areas designated as follows:~~
 - ~~a. Coastal Zone. On property zoned to allow multi-family dwellings where the property abuts upon or is directly across the street from property zoned industrial.~~
 - ~~b. Inland area. On property zoned commercial or industrial.~~
- C. Architectural design.** The architectural design of structures shall be compatible with neighboring residential structures.
- D. Signs.** Signs may be allowed in compliance with Chapter 35.38 (Sign Standards) and shall be unobtrusive.
- E. Parking.** Adequate off-street parking area shall be provided for funeral procession assembly areas.

35.42.130 - Drive-through Facilities

- A. Purpose and applicability.** This Section provides standards for the operation of drive through facilities, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Standards.**
1. The drive through facility shall be accessory to a permitted use where allowed in compliance with Article 35.2 (Zones and Allowable Land Use).

2. A drive through facility shall have no greater adverse impact upon air quality than the same use without the drive through facility.

35.42.135 - Farmworker Housing

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, *et seq.*, known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.110.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.21 (Agricultural Zones), Chapter 35.22 (Resource Protection Zones), Chapter 35.23 (Residential Zones), Chapter 35.24 (Commercial Zones), Chapter 35.25 (Industrial Zones), and Chapter 35.26 (Special Purpose Zones).
- C. Farmworker housing requirements.**
1. **State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 *et seq.*, also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 *et seq.*, also known as the California Special Occupancy Parks Act.
 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
 3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).
 5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.

6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. **Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Article 35.2 (Zones and Allowable Land Uses).
 - a. **Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.
 - b. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-GOL, MT-TORO and RMZ zones.
 - c. **Residential zones.**
 - (1) **RR, R-1/E-1, R-2 and EX-1 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RR, R-1/E-1, R-2 and EX-1 zones.
 - (2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.23.030 (Residential Zones Allowable Land Uses):
 - (a) Dwelling, multiple.
 - (b) A two-family dwelling.
 - (c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*
 - (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).
 - d. **Commercial zones.** The following housing types may be permitted as a farmworker housing complex in the CH zone:
 - (1) **Adjacent lot zoned agriculture.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.
 - (2) **Adjacent lot zoned residential.** The following housing types may be permitted in the CH zone if located adjacent to a lot having a residential zoning.

- (a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*
 - (b) Farmworker housing complexes other than those housing types listed in Subsection D.1.d(2)(a), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- e. Industrial zones.**
- (1) **M-RP, M-1 and M-CR zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-RP, M-1 and M-CR zones.
 - (2) **M-2 zone.** Housing types allowed on an adjacent lot zoned agricultural or residential may be permitted in the M-2 zone.
- f. Special Purpose zones.** The following housing types may be permitted as a farmworker housing complex in the NTS, OT-R and PU zones zone in compliance with the required permit(s) as specified in Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) in Section 35.26.030 (Special Purpose Zones Allowable Land Uses):
- (1) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.* in the NTS, OT-R and PU zones.
 - (2) Farmworker housing complexes other than those housing types listed in Subsection D.1.f.(1), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).
- 2. Farmworker dwelling unit density requirements.** Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.
- 3. Parking.** The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.
- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-5 (Residential Parking Standards).
 - c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
 - d. Parking requirements for employees as listed in Table 3-5 (Residential Parking Standards) is not required to be provided.
- E. Covenant and agreement.** Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35.42.135 (Farmworker Housing) and all other applicable sections of the Development Code;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Section 35.42.135.C.6; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.108 (Enforcement and Penalties).

35.42.140 – Greenhouses, Hoop Structures, and Shade Structures

A. Purpose and applicability. This Section provides standards for the establishment of greenhouses, hoop structures, and shade structures where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).

B. Greenhouses.

1. **Greenhouses in agricultural zones.** The following provides the permit requirements and development standards for greenhouses located within the AG-I and AG-II zones.
 - a. **Less than 20,000 square feet, AG-I zone.** For greenhouses and greenhouse related development that are less than 20,000 square feet in area and are located within the AG-I zone, the following requirements and standards shall apply:
 - (1) **Landscaping.** Landscaping plans shall be required in compliance with [Section 35.34.050 \(Agricultural Zones Landscaping Requirements\)](#).
 - b. **20,000 square feet or more.** For greenhouses and greenhouse related development that are 20,000 square feet in area or more and all additions, which when added to existing development, total 20,000 square feet or more, the following requirements and standards shall apply:
 - (1) **Development Plans.** The approval of a Development Plan shall be required in compliance with [Section 35.82.080 \(Development Plans\)](#).
 - (a) **Application contents.** The site plan and topographic map required to be submitted with an application for a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) shall not apply and instead a Development Plan application for a greenhouse(s) shall include a site plan of the proposed development drawn to scale that shows the following:
 - (i) Gross acreage and boundaries of the property.
 - (ii) Location of all existing and proposed structures, their use, and square footage of each structure.
 - (iii) Landscaping.
 - (iv) Location and number of parking spaces.
 - (v) Location of driveways and adjacent streets.
 - (2) **Landscaping.**
 - (a) **AG-I zone.** Landscaping plans shall be required in compliance with [Section](#)

[35.34.050 \(Agricultural Zones Landscaping Requirements\).](#)

- (b) **AG-II zone.** Landscaping plans shall be required in compliance with [Chapter 35.34 \(Landscaping Standards\)](#).
2. **Greenhouses in overlay zones.** Greenhouses are limited to 4,000 square feet per lot when located within the Critical Viewshed Corridor Overlay in the Gaviota Coast Plan Area.
3. **Greenhouses in residential and special purposes zones.**
- a. **300 square feet or less in size.** In the R-1/E-1, R-2, EX-1, DR, MU, and OT-R zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:
- (1) Greenhouse structures shall be used only for the propagation and cultivation of plants.
 - (2) No advertising signs, commercial display rooms, or sales stands shall be maintained.
- b. **Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1, R-2 and EX-1 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.
- c. **Greenhouses exceeding 300 square feet within the RR zone.** Greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the landscaping requirements in compliance with [Section 35.34.050 \(Agricultural Zones Landscaping Requirements\)](#).
- C. **Hoop structures and shade structures in agricultural zones.** The following provides the permit requirements and development standards for hoop structures and shade structures located within the AG-I and AG-II zones.
1. **Permit requirements.** Prior to the erection or use of a hoop structure or a shade structure a Zoning Clearance or Land Use Permit shall be issued or a Final Development Plan shall be approved, as applicable, unless the project is determined to be exempt from a Zoning Clearance, a Land Use Permit, or a Final Development Plan in compliance with Subsection C.1.a (Exempt), below. See also [Section 35.42.075 \(Cannabis Regulations\)](#) for additional permit requirements and development standards for the cultivation of cannabis.
- a. **Exempt.** Hoop structures and shade structures that are 20 feet or less in height do not require a land use entitlement provided the proposed project is in compliance with the following:
- (1) The development standards of Subsection C.3.a (Development standards for hoop structures and shade structures), below.
 - (2) The requirements of [Subsection 35.20.040.A \(Exemptions from Planning Permit Requirements\)](#).
 - (3) The hoop structures and shade structures are located on land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years.
 - (4) The hoop structures and shade structures are located on slopes averaging 25% or less. Average slope shall be calculated over the area of the lot where hoop structures and shade structures will be used.
 - (5) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover no more than 4,000 square feet per lot.
 - (6) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover more than 4,000 square feet per lot,

but are not visible from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use.

- b. **Zoning Clearance required.** A Zoning Clearance issued in compliance with [Section 35.82.210 \(Zoning Clearance\)](#) is required for the following:
 - (1) Hoop structures and shade structures that are 20 feet or less in height and cover less than 20,000 square feet in area, including all additions, which are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.
 - c. **Land Use Permit required.** A Land Use Permit issued in compliance with [Section 35.82.110 \(Land Use Permits\)](#) is required for the following:
 - (1) Hoop structures and shade structures that are 20 feet or less in height and cover 20,000 square feet in area or more, including all additions, which are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.
 - (2) Hoop structures and shade structures that are more than 20 feet in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area.
 - d. **Final Development Plan required.** The approval of a Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) is required prior to the approval of a Land Use Permit or Zoning Clearance for the following:
 - (1) Hoop structures and shade structures that are more than 20 feet in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more.
2. **Application requirements.** Except as provided below in Subsection C.2.a (Site plan and topographic map requirements), below, an application for a Land Use Permit or a Development Plan shall be submitted in compliance with [Section 35.80.030 \(Application Preparation and Filing\)](#).
 - a. **Site plan and topographic map requirements.** The site plan and topographic map normally required to be submitted with an application for a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) shall not apply and instead a Development Plan application for hoop structures or shade structures shall include a site plan of the proposed development drawn to scale that shows the following:
 - (1) Gross acreage and boundaries of the property.
 - (2) Location of all existing and proposed structures, their use, and square footage of each structure.
 - (3) Landscaping.
 - (4) Location and number of parking spaces.
 - (5) Location of driveways and adjacent streets.
 - (6) Topography – contour intervals to depict slopes.
 - (a) Ten or 25-foot intervals for lots of more than 20 acres.
 - (b) Five- or ten-foot intervals for lots of five to 20 acres.
 - (c) Five-foot intervals for lots less than five acres.
 3. **Development standards for hoop structures and shade structures.**
 - a. **Development standards for hoop structures and shade structures.** Hoop structures and shade structures shall comply with the following standards in addition to any other applicable

standards of this Development Code. Hoop structures and shade structures not in compliance with Subsection C.3.a.(1) (Lighting) and C.3.a.(2) (Structural elements), below, may be permitted in compliance with Subsection 35.42.140.B (Greenhouses).

- (1) **Lighting.** Interior and exterior lighting associated with hoop structures and shade structures is not allowed.
 - (2) **Structural elements.** Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.
 - (3) **Setbacks.** Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.
 - (4) **Streams and Creeks.**
 - (a) Within the Urban, Inner Rural, and EDRN areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
 - (b) Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
- b. Development standards for hoop structures and shade structures more than 20 feet in height.** In addition to the development standards contained in Subsection C.3.a (Development standards for hoop structures and shade structures), hoop structures and shade structures that are more than 20 feet in height shall also comply with the following development standards:
- (1) **Landscaping.**
 - (a) **AG-I zone.** Landscaping plans shall be required in compliance with [Section 35.34.050 \(Agricultural Zones Landscaping Requirements\)](#).
 - (b) **AG-II zone.** Landscaping plans shall be required in compliance with [Chapter 35.34 \(Landscaping Standards\)](#).

35.42.150 - Guesthouses, Artist Studios, and Cabañas

- A. Purpose and applicability.** This Section provides standards for the establishment of guesthouses, artist studios, and cabañas, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Accessory structure and use.** Guesthouses, artist studios, and cabañas are accessory structures and their use shall be accessory to a primary residential use of the lot.
- C. Lot size.** A guesthouse shall not be located on a lot containing less than one gross acre.
- D. Number on lot.**
 1. A lot may contain one artist studio or one guesthouse.
 2. A lot may contain one cabaña in addition to one artist studio or guesthouse in compliance with Subsection M. (Cabaña).
- E. Floor area.** The net floor area of a guesthouse, artist studio, or cabaña shall not exceed 800 square feet. However, the structure may be attached to another accessory structure so that the total area of the combined structures exceeds 800 square feet, provided interior access does not exist between the guesthouse, artist studio, or cabaña, and the other accessory structure.
- F. Height limitations.** A guesthouse, artist studio or cabaña shall not exceed a height of 16 feet or contain more than one story. A loft shall be counted as a story. A guesthouse, artist studio, or cabaña may be located above or below another accessory structure.

- G. Kitchen and cooking facilities prohibited.** There shall not be a kitchen or cooking facilities (e.g., ovens including microwave ovens, hot plates) within a guesthouse, artist studio, or cabaña.
- H. Wetbars.** Guesthouses, artist studios, and cabañas may contain a wetbar limited to the following features:
1. A counter area with a maximum total length of seven feet.
 2. The counter area may include a bar sink.
 3. The counter area may include an overhead cupboard area not to exceed seven feet in length.
 4. The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven-foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.
 5. A refrigerator limited to an under-counter unit located within the counter area.
- I. Plumbing facilities.**
1. **Guesthouse and cabañas.** Guesthouses and cabañas may contain a bar sink associated with a wetbar as described in Subsection H (Wetbars) above, and bathrooms (e.g., toilet, sink, and bathing facilities).
 2. **Artist studios.** Artist studios may contain a bar sink associated with a wetbar as described in Subsection H (Wetbars) above, and a restroom (i.e. toilet and washbasin). Bathing facilities shall not be allowed in artist studios.
- J. Setbacks.** Guesthouses, artist studios, and cabañas shall comply with setback requirements applicable to the principal dwelling.
- K. Use restrictions.**
1. A guesthouse shall be used on a temporary basis only by the occupants of the principal dwelling or their nonpaying guests or employees and is not intended to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise, or services. Temporary is defined as occupying the guesthouse for not more than 120 days in any 12-month period.
 2. Artist studios and cabañas shall not be used as a guesthouse or as a dwelling and shall not be used for overnight accommodations.
 3. Commercial sales or transactions shall not occur within an artist studio or on the lot containing the artist studio unless allowed under a ~~Coastal Development Permit (Section 35.82.050)~~ or a Land Use Permit (Section 35.82.110) for a home occupation issued in compliance with [Section 35.42.190 \(Home Occupations\)](#).
 4. Guesthouses, artist studios, or cabañas may be determined to constitute a dwelling by the Director in compliance with Subsection [35.42.020.B.9](#) (Determination that accessory structure constitutes a dwelling).
- L. Notice to property owner.** ~~Before issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ for a guesthouse, artist studio, or cabaña, a Notice to Property Owner that specifies at a minimum the allowable uses of the structure shall be recorded by the property owner.
- M. Cabaña.** A cabaña may be approved as an accessory structure provided that its use is accessory to a sports court or swimming pool, or is located on a lot directly adjacent to the sea.
1. **Definition of swimming pool.** For the purposes of this Subsection M (Cabaña), swimming pool is defined a structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:

- a. Hot tubs, spas, including swim spas, and similar facilities.
 - b. Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
 - c. Portable, inflatable, and wading pools.
- 2. Restrictions on use.** The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the structure shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.
- 3. Sequence of construction.** A cabaña may be approved in conjunction with a proposed pool or sports court provided that construction of the proposed pool or sports court is completed before or simultaneously with completion of the cabaña.

- N. Artist studios.** Issuance of a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~ for a home occupation in compliance with [Section 35.42.190 \(Home Occupations\)](#) shall be required prior to the issuance of a ~~Coastal Development Permit or Land Use Permit~~ for an artist studio.
- O. Accessory dwelling unit.** If an accessory dwelling unit exists or has current approval on a lot, a guesthouse or artist studio shall not also be approved.

35.42.160 - Handicraft Industries

- A. Purpose and applicability.** This Section provides standards for the operation of handicraft industries, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Nuisances.**
1. The manufacture of handicraft items shall not have any effect on surrounding property that would constitute a greater nuisance than those created by other uses allowed in the zone in which the manufacture is allowed.
 2. No dust, fumes, glare, heat, noxious gases, objectionable odors, radiation, or smoke generated by or resulting from the use shall be detectable at any point upon the boundary of the property upon which the use is located.
 3. The use shall not create any objectionable noise or vibration.
- C. Enclosed structure.** Manufacturing activities shall be conducted within a completely enclosed structure having a total gross floor area not exceeding 2,500 square feet.
- D. Outdoor storage.** Outdoor storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall.
- ~~**E. Limitation on employees.** Within the Coastal Zone, not more than five persons shall be employed on the premises in connection with such use.~~
- FE. Additional conditions.** The review authority, as part of the approval of a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) for a handicraft industry may require those conditions necessary to protect the public peace, health, safety, and general welfare to maintain property values in the neighborhood and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection and neighborhood character.

35.42.170 - Hazardous Waste Generators

- A. Purpose and applicability.** This Section implements policies of the County's Hazardous Waste Element regarding generators of hazardous waste, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The provisions of this Section shall apply to any activity requiring a ~~Coastal Development Permit~~ or Land Use Permit that does or will generate hazardous waste.
- B. Requirements.**
1. A Waste Minimization Plan shall be submitted with an application for a ~~Coastal Development Permit~~ or a Land Use Permit.
 2. A hazardous waste generator operating under a new or modified ~~Coastal Development Permit~~ or Land Use Permit shall incorporate waste minimization techniques to the maximum extent economically and technically feasible.
 3. Prior to the approval of a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#), the Fire Department shall either approve a Generator Permit for the facility or shall have accepted an application for a Generator Permit.
 4. Following the approval of a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits)~~ or a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) a Business Plan and/or an Emergency Response Plan shall be submitted to the Fire Department if such a plan or plans is required under Chapter 6.95 (Section 25500 et seq.) of the California Health and Safety Code prior to operation of the facility.

35.42.180 - Historical Parks

- A. Purpose and applicability.** This Section provides standards for the creation of Historical Parks ~~within the Inland area~~, designed to restore period architecture, demonstrate architectural features and preserve their historical significance. Historical parks shall be developed primarily within urban areas although if found compatible with the surrounding area, they may be developed within rural and inner rural areas.
- B. Requirements.**
1. **Accessory uses.**
 - a. Permitted.** Accessory uses, including commercial uses, may be permitted provided they are determined to be customarily incidental to, secondary to, and supportive of the historical intent of the project. Typical accessory commercial uses may include a gift shop, café, etc. Accessory commercial uses may occupy historical structures as long as the other standards in this Section are met. Typical occupying uses could include a restaurant, gift shop, antique shop, craft shops, florist, and other light commercial uses that the Commission finds are of similar character.
 - b. Not permitted.** General commercial uses such as overnight lodging facilities, supermarkets, offices, etc., shall not be permitted.
 2. **Consistency with historical theme.** All structures, whether original or replica, and primary uses shall be consistent with the historical theme as to scale, character, color scheme, accessory treatment, landscaping, signage, physical setting, etc.
 3. **Expansion.** Historical structures may be expanded by no more than 15 percent of the gross floor area as necessary to meet State and structural code requirements (e.g., UBAC, UPC). The Commission may grant a modification to this standard to permit one historical structure to be expanded by up to 40 percent of its gross floor area. Expansion based upon restoration to pre-existing size from present size shall not be defined as expansion under the percentage increases. All proposed modifications shall be subject to review by the Santa Barbara County Historical

Landmark Advisory Committee and Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).

4. **Historical report.** A report from a qualified historical preservation specialist or consultant designated by the Santa Barbara County Historical Landmarks Advisory Committee of the State Office of Historical Preservation as appropriate for the project shall be approved by the Planning Commission. The report shall demonstrate the historical significance of the proposed uses or structures and the way in which they accomplish or further the historical intent of the project.
5. **Location.**
 - a. **Urban locations.** Emphasis shall be placed on developing historical parks within Urban areas.
 - b. **Rural and Inner Rural location.** Historical Parks may be developed in Inner Rural or Rural areas provided that all of the following findings are made:
 - (1) Adequate access to the site is available and the Historical Park will not adversely affect other permitted uses in the area.
 - (2) The project is compatible with the scale and character of other development in the area.
 - (3) The amount and type of commercial use proposed does not compromise nor detract from the historical appearance and quality of the park.
 - (4) The historical park shall be compatible with any surrounding agriculture.
- C. **Standards.** A Historical Park shall comply with all of the following development standards:
 1. All structures shall meet the eligibility requirements for Historical Landmark status as determined by Santa Barbara County Historical Landmarks Advisory Committee as provided in County Code Chapter 18A (Historical Landmarks).
 2. All structures shall be authentic, historical structures.
 3. A majority of each structure's gross floor area shall be devoted to non-commercial educational or historical displays or exhibits. If a modification is granted to one building, then 35 percent of that building's gross floor area shall be devoted to non-commercial educational or historical displays or exhibits in addition to a majority of the remaining building's gross square footage.

35.42.190 - Home Occupations

- A. **Purpose and applicability.** This Section provides development and operational standards for home occupations where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. **Applicability.** The provisions of this Section shall apply to all home occupations which include Cottage Food Operations and In-home Retail Sales. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.
- C. **Permit requirements.**
 1. Before the commencement of a home occupation within a dwelling or artist studio, a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E. (Exceptions to permit requirements for home occupations) below.
 - a. **Special processing requirements for applications for cottage food operations.** The following special processing requirements apply to applications for Land Use Permits for home occupations that qualify as cottage food operations.
 - (1) **Notice.** Notice of the submittal of the application and pending decision of the Zoning

Administrator shall be given in compliance with [Section 35.106.110 \(Land Use Permits\)](#).

- (2) **Hearing not required.** The Zoning Administrator shall review the application for compliance with the Comprehensive Plan and any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the application in compliance with [Section 35.82.110 \(Land Use Permits\)](#). A public hearing shall not be required.
 - (3) **Appeal.** The action of the Zoning Administrator is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
2. Prior to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D. (Development standards) below, and any other conditions as may be made part of the Land Use Permit shall be recorded by the property owner.

D. Development standards.

1. **Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.
 - a. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.
 - b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling.
 - c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
 - d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
 - e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.
 - f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
 - g. No smoke or odor shall be emitted that occurs as a result of the home occupation.

- h. There shall be no outdoor storage of materials related to the home occupation.
 - i. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection [35.36.100.B.2](#) (Overnight parking of commercial vehicles), shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of the Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.
- 2. Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
- a. Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.
 - (2) Only one cottage food operation may be allowed on a lot.
 - b. Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.
 - (1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with [Chapter 35.36 \(Parking and Loading Standards\)](#).
 - c. Cottage food operators and cottage food employees.**
 - (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
 - (2) One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
 - d. Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with [Chapter 35.36 \(Parking and Loading Standards\)](#).
 - (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.

- (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Subsection [35.36.100.B.2](#) (Overnight parking of commercial vehicles).
- e. **Sales.** Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
- f. All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
- g. A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
- h. The cottage food operation shall at all times be conducted in compliance with:
 - (1) The conditions and limitations of this Subsections D.2. and any other conditions and/or limitations that may be part of the Land Use Permit issued to allow the cottage food operation.
 - (2) California Health and Safety Code Section 113758.
 - (3) All other applicable State and County laws, regulations and requirements.
- i. The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a Land Use Permit for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.

E. Exceptions to permit requirements for home occupations. A Land Use Permit shall not be required for home occupations that are in compliance with all of the following criteria:

- 1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the artist studio or dwelling in which the home occupation occurs.
 - c. Business transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

F. Violations of home occupation regulations.

- 1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) allowing the home occupation unless the home occupation does not require the issuance of a Land Use Permit in compliance with Subsection E (Exceptions to permit requirements for home occupations), above.
- 2. The home occupation shall at all times be conducted in compliance with the conditions and limitations of Subsection D (Development Standards), above, any other conditions and/or limitations that may be part of the Land Use Permit issued in compliance with [Section 35.82.110](#)

(Land Use Permits) to allow the home occupation, and it shall be unlawful for a person to conduct a home occupation for which a Land Use Permit has been issued without complying with all conditions attached to the permit.

3. Failure to comply with conditions and limitations of the Land Use Permit shall be cause for revocation of the Land Use Permit in compliance with [Section 35.84.060 \(Revocations\)](#).
4. Occupations that cannot comply with all of the development standards listed in Subsection D (Development Standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:
 - a. Automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

35.42.193 - Homestays

- A. **Purpose and intent.** The purpose and intent of this Section is to establish standards that will regulate the use of dwellings as Homestays in order to ensure that Homestays are compatible with and do not adversely impact surrounding properties.
- B. **Permit Requirement.** Homestays may only be located in certain commercial, special purpose, residential and Agriculture-I zones and in compliance with the permit requirement identified in [Article 35.2 \(Zones and Allowable Land Uses\)](#). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Homestay. Regardless of the number of properties a property owner owns, in no case shall a property owner possess more than one homestay permit at any given time.
- C. **Permitted structures.** Homestays shall only be allowed in up to three bedrooms of a legal dwelling unit subject to the restrictions of this Section.
- D. **Development standards.** Homestays shall comply with all of the following standards in addition to any other applicable standards of this Development Code.
 1. **Owner or long-term tenant must reside on the property.** The owner or long-term tenant of the property shall inhabit a legal dwelling on the same lot at the same time as the transient occupant of the Homestay.
 2. **Compliance with fire, building, and health codes.** Any dwelling used as a Homestay shall comply with the California Fire Code, California Building Code, California Health and Safety Code, the National Fire Protection Association standards and/or regulations, and other relevant laws and codes regarding carbon monoxide detectors, smoke detectors, emergency egress window, handrails, and fire extinguishers, to the satisfaction of the Director.
 3. **Prohibited structures.** Homestays shall not be allowed in:
 - a. Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including, but not limited to, affordable housing units, agricultural employee housing, and farmworker housing.
 - b. Any structure that is only permitted to be occupied on a temporary basis including, but not limited to, cabañas and guest houses.
 - c. Any structure or space that may not be legally used for dwelling or overnight accommodations including, agricultural accessory structures, tents, trailers, vehicles, and yurts.
 4. **Signs.** No signs shall be permitted to be located on or off the lot that contains the Homestay that indicates the presence of the Homestay.
 5. **Limitation on occupancy.** The maximum occupancy shall be no more than two persons per bedroom, excluding minor children.

6. **Parking.** Parking shall be provided on the lot on which the Homestay is located in compliance with [Chapter 35.36 \(Parking and Loading Standards\)](#) of this Development Code.
7. **Limitation on the number of visitors.** The maximum number of visitors shall not exceed two times the number of transient occupants of the Homestay that are allowed on the lot.
8. **Noise.** The volume of sound generated by the Homestay shall not exceed 65 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary, except that between the hours of 10 p.m. and 8 a.m., the volume of sound generated by the Homestay shall not exceed 45 dB or existing ambient levels, whichever is greater, at any point beyond the property boundary.
9. **Internet listing.** All current internet hosting platforms for Homestays and all listing identification numbers shall be provided to the County.
10. **Proof of ownership or long-term tenancy.** The owner or long-term tenant of the property being rented for a Homestay shall provide proof of ownership or long-term tenancy with the Homestay application. In addition, the owner must sign any permit application that the long-term tenant submits.
11. **Nuisance response plan.**
 - a. Call response availability.
 - (1) The owner or long-term tenant shall submit their name, address, and telephone number and/or a local contact who will respond to calls regarding the Homestay.
 - (2) The owner or long-term tenant and/or local contact shall be available by telephone on a 24-hour basis to respond to calls regarding the Homestay.
 - (3) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit issued to allow the use of a Homestay.
 - (4) For purposes of this Subsection 11, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
 - b. **Local contact.** The owner or long-term tenant is required to immediately notify the County with any changes to their or the local contact's information.

E. Renewal of permit.

1. A Land Use Permit issued for a Homestay shall only be valid for one year commencing upon the effective date of the Land Use Permit, except as provided below in Subsection 3.
2. The owner or long-term tenant shall submit an application to renew the Land Use Permit to the Department for review and approval on an annual basis as directed below.
 - a. The renewal application shall be processed pursuant to the requirements set forth in [Section 35.82.110 \(Land Use Permits\)](#).
 - b. The Land Use Permit application for the initial renewal and any subsequent renewal shall be submitted no later than 30 days prior to the expiration of the previous Land Use Permit.
3. If the approval of a Land Use Permit for the renewal of a Land Use Permit for a Homestay has been appealed, then the validity of the Land Use Permit shall be extended until processing of the appeal(s) has been completed.

F. Revocation.

1. A Land Use Permit to allow a dwelling to be used as a Homestay may be revoked in compliance with [Section 35.84.060 \(Revocations\)](#).

2. In addition to the basis for revocation in [Section 35.84.060 \(Revocations\)](#), a Land Use Permit may also be revoked if the applicant, after receiving a Land Use Permit for a Homestay and/or any renewal:
 - a. Makes alterations to the property that compromise the original permit approval (e.g., removal of required parking, conversion of space);
 - b. Is determined to have submitted false or misleading information to the Department, including, but not limited to, information submitted as part of the permit application;
 - c. Fails to comply with the permit conditions; or
 - d. Fails to obtain or comply with any other required County, state or local permit.

35.42.195 - Reserved**35.42.200 - Mixed Use Development**

The standards of this Section apply to residential uses allowed in commercial zones by [Article 35.2 \(Zones and Allowable Land Uses\)](#). On lots where commercial uses are present, residential uses allowed by [Section 35.24.030 \(Commercial Zones Allowable Land Uses\)](#), Table 2-14 shall be secondary to the principle commercial use on the same lot.

- A. Limitation on bedrooms and floor area.** A residential use shall not exceed two bedrooms per 1,000 square feet of gross floor area of commercial development on the same lot; provided that the total gross floor area of residential uses shall not exceed the total gross floor area of the commercial uses.
- ~~**B. Coastal Zone existing residential uses.** Within the Coastal Zone, a residential use located on a lot zoned C-2 and existing as of July 19, 1982 shall be considered a conforming use rather than a nonconforming use.~~

35.42.205 - Mobile Homes on Permanent Foundations

- A. Purpose and applicability.** This Section provides standards for mobile homes on permanent foundations that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (52 U.S.C. 5401 et seq.), in compliance with Health and Safety Code Section 18551, where allowed in compliance with Article 35.2 (Zones and allowable Land Uses).
- B. Development standards.** Mobile homes on permanent foundations allowed in compliance with this Section shall be subject to the following requirements:
 1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.
 2. Roofing and siding shall be non-reflective.
 3. Siding shall extend to the ground level.

35.42.210 - ~~Reserved Residential Agricultural Units~~ *(this section expired July 6, 2008 and is no longer in effect)*

- ~~**A. Purpose and applicability.** This Section establishes standards for attached and detached residential agricultural dwellings on agricultural lands in the Inland Area, where allowed by Article 35.2 (Zones and Allowable Land Uses). These standards are intended to ensure that the dwellings are incidental and supportive of the primary agricultural use of the land, to protect, promote, and enhance agricultural operations by providing additional housing opportunities for agriculturalists and their families, as well as providing a potential income source to support family farms and ranches through rental opportunities. The intent is also to preserve the integrity of agricultural areas.~~

- ~~**B. Exclusion areas.** Due to the adverse impact on the public health, safety, and welfare, residential agricultural dwellings shall not be allowed in areas designated as Special Problem Areas by the Board.~~
- ~~**C. Development standards for residential agricultural dwellings.** The following standards shall apply to residential agricultural dwellings. Where there are conflicts between the standards in this Section and those in the Zone Regulations, the provisions of this Section shall prevail.~~
- ~~1. The lot shall contain an existing principal one-family detached dwelling at the time an application for a residential agricultural dwelling is submitted or the application for the residential agricultural dwelling shall be in conjunction with the principal dwelling. The residential agricultural dwelling shall not be occupied before occupation of the principal dwelling.~~
 - ~~2. The lot owner (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) or a person (i.e., a ranch or farm manager or operator) who devotes a substantial portion of his/her time to the agricultural use of the subject lot shall reside on the lot, in either the principal structure or the residential agricultural dwelling. Before issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), the owner shall sign and record an agreement with the County verifying compliance with the occupancy requirement. Upon resale of the property, the new owner shall submit an Assumption Agreement to comply with this development standard or the Residential agricultural unit shall be removed or converted to an allowed use.~~
 - ~~3. The minimum gross floor area of a residential agricultural dwelling shall be 300 square feet.~~
 - ~~4. A residential agricultural dwelling shall be located entirely on the same lot that contains the principal dwelling.~~
 - ~~5. A residential agricultural dwelling shall not exceed 16 feet in height. However, this height limit may be exceeded when an attached residential agricultural dwelling is wholly contained within an existing principal dwelling.~~
 - ~~6. An agricultural accessory dwelling shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The agricultural accessory dwelling shall have a separate entrance and shall contain separate kitchen and bathroom facilities.~~
 - ~~7. With the exception of lands zoned AG II 320, a residential agricultural dwelling shall not be allowed on a lot in addition to a guesthouse. A residential agricultural dwelling shall not be allowed on a lot if other structures (excluding the principal dwelling) are present that are determined to be nonconforming as to their use.~~
 - ~~8. The clustered or attached agricultural accessory dwelling shall not be served by a public sewer system unless the principal residence is directly served by a public sewer system or it is required to be served under the Uniform Plumbing Code. The remote residential agricultural dwelling shall not be served by a public sewer system unless it is required to be served under the Uniform Plumbing Code. If the principal residence is not directly served by a public sewer system or the residential agricultural dwelling is remotely sited, the residential agricultural dwelling shall be served by an onsite wastewater treatment system subject to Public Health Department review and approval.~~
 - ~~9. A residential agricultural dwelling 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 served by a water district or an existing mutual water company with the ability (service capacity) to serve new connections, the clustered or attached residential agricultural dwelling shall be serviced by the appropriate district or company.~~
 - ~~10. If public services are required, before approval of the Land Use Permit, the applicant of the residential agricultural dwelling shall be required to provide documentation from the appropriate public service providers that water and sewer service shall be provided.~~
 - ~~11. The residential agricultural dwelling shall not be sold, transferred, or financed separately from the~~

~~principal dwelling.~~

- ~~12. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.~~
- ~~13. Residential agricultural dwellings shall be consistent with the provisions of the County's Uniform Rules for Agriculture Preserves and Farmland Security Zones.~~
- ~~14. The landowner shall record an agreement with the County not to subdivide or reconfigure (through lot line adjustment) the lot over the duration of the Williamson Act contract or easement term.~~
- ~~15. The landowner shall provide notification to the residential agricultural dwelling tenants (i.e., through the rental agreement), identifying that the residence is located on and adjacent to property zoned and used for agriculture and that inconvenience or discomfort from properly conducted agricultural operations, including noise, dust, odors, and chemicals, shall not be deemed a nuisance.~~
- ~~16. The lot on which a residential agricultural dwelling is located shall be subject to an Agricultural Preserve Contract or Conservation or Open Space Easement that restricts the lot to agricultural uses. The lot shall be in compliance with the provisions of the Agricultural Preserve Contracts or Conservation or Open Space Easements.~~
- ~~17. Density/lot size.~~
 - ~~a. The minimum lot size on which a residential agricultural dwelling may be placed shall not be less than the minimum lot size of the applicable zone.~~
 - ~~b. A detached residential dwelling may consist of a duplex on legal lots zoned AG-II 320 meeting the minimum lot size of the zone.~~
 - ~~c. More than one residential agricultural dwelling (either attached or detached) shall not be allowed on one lot.~~
 - ~~d. The living area of an attached residential agricultural dwelling shall not exceed 1,000 square feet. The gross floor area and associated detached garage space, of a detached residential agricultural dwelling shall not exceed 3,000 square feet.~~

D. — Development standards (detached residential agricultural dwellings). In addition to the development standards listed in Subsection C. (Development standards for residential agricultural dwellings) above, the following standards shall also apply to detached residential agricultural dwellings:

- ~~1. Development associated with a residential agricultural dwelling, including perimeter fencing, shall be confined to a maximum of one contiguous acre.~~
- ~~2. The residential agricultural dwelling shall be sited and designed to:~~
 - ~~a. Minimize the disruption of agricultural land and agriculturally productive areas of the site.~~
 - ~~b. Take maximum advantage of existing roads and infrastructure.~~
 - ~~c. Avoid or minimize significant impacts to biological resources by providing setbacks from sensitive habitats, and preserve natural landforms and native vegetation to the maximum extent feasible.~~
 - ~~d. Be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and be sited to ensure it does not intrude into the skyline as seen from public viewing places. Compatibility shall include the following design standards:~~
 - ~~(1) Landscaping provided for the residential agricultural dwelling shall be composed of drought tolerant noninvasive vegetation native to the project area to the maximum extent feasible.~~
 - ~~(2) Exterior lighting shall be for specific safety purposes only and shall be hooded/shielded~~

~~to minimize impacts to the rural nighttime character, and shall be directed away from habitat areas.~~

- ~~(3) Building materials and colors (earth tones and non reflective paints) compatible with the existing terrain shall be used to maximize the visual compatibility of the residential agricultural dwelling with surrounding areas.~~

~~E. Findings. The review authority shall approve a Land Use Permit in compliance with Subsection 35.82.110.E (Findings required for approval) or a Conditional Use Permit in compliance with Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) for a residential agricultural dwelling only if, in addition to these required standard findings, the following findings can also be made:~~

- ~~1. The residential agricultural dwelling is incidental and subordinate to the primary agricultural use of the lot.~~
- ~~2. The residential agricultural dwelling is compatible with and does not substantially alter the rural, agricultural character of the area.~~
- ~~3. The residential agricultural dwelling does not adversely affect the onsite or adjacent agricultural operations.~~

~~F. Expiration. The Residential Agricultural Unit program is to be implemented on a temporary basis limited to nine years. Within nine years of July 6, 1999, the Department shall prepare and present a report to the Commission and Board for their consideration of the effects of the Residential Agricultural Unit program and the public's participation in the program. The Board may consider modification, extension, or repeal of the existing Residential Agricultural Unit program if the report indicates a need to modify or abandon the program. Prior to presenting the report to the Commission, the Agricultural Advisory Committee and the Agriculture Preserve Advisory Committee may review the report and provide their recommendation to the Commission and the Board. If the Board fails to take the necessary action to modify or extend the program, the Residential Agricultural Unit program shall expire nine years from July 6, 1999 (i.e., July 6, 2008) and this Section 35.42.210 (Residential Agricultural Units) shall be of no further force and effect.~~

35.42.220 - Residential Project Convenience Facilities

- A. Purpose and applicability.** This Section provides standards for residential project convenience facilities where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. DR and PRD zones.** In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:
1. Laundromat.
 2. Meeting rooms.
 3. Accessory uses and structures customarily incidental and subordinate to the residential project.
- C. MHP zones.** In MHP zones accessory uses and structures that are customarily incidental and subordinate to the residential project may be allowed.

35.42.230 - Reserved

35.42.240 - Rural Recreation

- A. Purpose and applicability.** This Section provides standards for rural recreation, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Allowable uses and permit requirement.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm)

may be allowed subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the development complies with the applicable standards included in Subsection C. (Standards) below.

C. Standards.

1. AG-II zones. The following development standards shall apply to projects located in the AG-II zone not including projects allowed in compliance with Subsection D (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.

- a. Is in character with the rural setting.
- b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
- c. Does not include commercial facilities open to the general public who are not using the recreational facility.
- d. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.

2. RMZ and MT-TORO zones. The following development standards shall apply to projects located in the RMZ and MT-TORO zones.

a. Retreats.

- (1) Groups may be assembled for periods of not to exceed 21 days.
 - (2) When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.
- b. Rural recreation development shall not contain accommodations for recreational vehicles if located in the RMZ and MT-TORO zones.

D. Specific allowable uses and development standards for the Gaviota Coast Plan area. The following allowable uses, permit requirements, and development standards shall apply to projects located in the Gaviota Coast Plan area on property zoned AG-II. These uses are in addition to uses allowed in compliance with Subsection B (Allowable uses and permit requirement), above.

1. Campgrounds.

a. A Campground operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:

- (1) The project does not include any of the following:
 - (a) New grading or structures that would require a grading or planning permit. This does not apply to grading and structures that are required in order to comply with the requirements of the Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.
 - (b) Electrical hookups for vehicles including recreational vehicles and trailers.
 - (c) New impervious surfaces.
- (2) The project is not located on property zoned with the Critical Viewshed Corridor Overlay unless the Director determines that the location of the campground is not visible from Highway 101 due to natural intervening topography.
- (3) There are no more than 10 campsites.
 - (a) No more than two vehicles shall be parked at each campsite.

- (b) A maximum of one-half of the total number of campsites may be used at any one time for the parking of not more than two recreational vehicles or trailers per site. Recreational vehicles and trailers shall not exceed 25 feet in length.
- (4) Stays are limited to a maximum of 14 days per person per year.
- (5) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- (6) Prior to the approval of a Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits), the plans for the Campground operation shall reviewed and approved by:
 - (a) The Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.
 - (b) The County Fire Department in regards to fire safety.
- b. A Campground operation that may not be allowed in compliance with Subsection D.1.a, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
 - (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

2. Farmstay.

- a. A Farmstay operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:
 - (1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a lot.
 - (2) The operation is housed in a single permitted or nonconforming dwelling existing as of December 9, 2016.
 - (3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the lot. Lodging and meals are incidental and not the primary function of the Farmstay operation.
 - (a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.
 - (b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.
 - (4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.
 - (a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.
 - (5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:

- (a) Does not constitute the principal land use of the premises, and
- (b) Is beneficial and inherently related to the farm or ranch operation.
- (6) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).
- (7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.
- b. A Farmstay operation that may not be allowed in compliance with Subsection D.2.a., above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
 - (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

3. Fishing operation.

- a. A Fishing operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with the following development standards:
 - (1) The operation is limited to 20 participants daily.
 - (2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - (3) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- b. A Fishing operation that may not be allowed in compliance with Subsection D.3.a, above, may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:
 - (1) The operation is limited to 20 participants daily.
 - (2) The floor area (gross) of any new structure is less than 600 square feet.
 - (3) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- c. A Fishing operation that may not be allowed in compliance with Subsections D.3.a or D.3.b, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
 - (1) The operation will not result in significant adverse impacts to visual resources.
 - (2) The operation will not include a new at-grade crossing of Highway 101.

4. Horseback riding.

- a. A Horseback riding operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with the following development standards:
 - (1) The operation is limited to 20 participants daily.
 - (2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).

- (3) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- b. A Horseback riding operation that may not be allowed in compliance with Subsection D.4.a., above, may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:
 - (1) The operation is limited to 20 participants daily.
 - (2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - (3) The floor area (gross) of any new structure associated with the operation is less than 1,200 square feet.
- c. A Horseback riding operation that may not be allowed in compliance with Subsections D.4.a. or D.4.b., above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
 - (a) The operation will not result in significant adverse impacts to visual resources.
 - (b) The operation will not include a new at-grade crossing of Highway 101.

35.42.245 - Short-Term Rentals

A. Purpose and applicability.

1. **Purpose.** The purpose of this Section is to establish standards that will regulate the use of structures as Short-Term Rentals in order to ensure that Short-Term Rentals are compatible with and do not adversely impact surrounding properties.
2. **Applicability.**
 - a. **Short-Term Rentals existing as of the effective date of this ordinance (16ORD-00000-00009).**
 - (1) **Short-Term Rentals that may be permitted.**
 - (a) For Short-Term Rentals that may be permitted in compliance with Article 35.2 (Zones and Allowable Land Uses) to continue operating the owner or long term tenant must apply for and be issued a permit that allows the continued use of a structure as a Short-Term Rental within 333 days following the effective date of this ordinance (16ORD-00000-00009).
 - (b) If the required permit is not issued within 333 days following the effective date of this ordinance (16ORD-00000-00009), then use of the structure as a Short-Term Rental shall cease. If the use of a structure as a Short-Term Rental does not cease, then this use shall be considered a violation of this Development Code and subject to enforcement in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).
 - (2) **Short-Term Rentals that may not be permitted.** The use of a structure as a Short-Term Rental in zones where Short-Term Rentals may not be permitted in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#) shall cease no later than 333 days following the effective date of this ordinance (16ORD-00000-00009). If the use of a structure as a Short-Term Rental does not cease within this period, then this use shall be considered a violation of this Development Code and subject to enforcement in

compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

3. **Permit requirement.** Short-Term Rentals may only be located in certain commercial and special purpose zones in compliance with the permit requirement identified in [Article 35.2 \(Zones and](#)

[Allowable Land Uses](#)). The required permit shall be obtained and all conditions of the permit shall be satisfied prior to the commencement of a Short-Term Rental.

35.42.250 - Small Animal Hospitals

Where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#), small animal hospitals shall be designed, constructed and operated so that all animals shall be kept within a completely enclosed, soundproof building designed to eliminate outdoor odor and reduce the level of noise so that adjacent residential properties will not be adversely affected in any way by noise or odors.

35.42.260 - Temporary Uses and Trailers

A. Purpose and intent. The Section provides permit requirements and development standards for temporary uses and structures, including the semi-permanent use of trailers, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). This section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties and to coastal resources through the application of appropriate conditions.

B. Applicability.

1. **Does not apply to wineries or amusements regulated separately – Inland area.** ~~Within the Inland area, this Section shall not apply to any use of property that is regulated by [Section 35.42.280 \(Wineries\)](#) of this Article or Chapter 6 (Amusements) of the County Code.~~
2. **Permits required.** Each temporary use of land including trailers identified in Table 4-10-14 through Table 4-15-19, below, may be allowed in compliance with the approval of the applicable permit identified in the table.
3. **Similar temporary events/uses.**
 - a. **Exempt from permit requirements.** Other temporary uses that are not included in Table 4-10-14 through Table 4-15-19 may be allowed without the requirement for a permit when the Director determines that the proposed temporary use:
 - (1) Is similar to those identified in this Section as being exempt from permit requirements; and
 - (2) The proposed temporary use does not have the potential to result in an adverse effect on surrounding properties.
 - b. **Coastal Development Permit or Land Use Permit required.** Other temporary uses that are not included in Table 4-10-14 through Table 4-15-19 may be allowed by a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) if the Director determines that the proposed temporary use is similar to those uses allowed by a Coastal Development Permit or Land Use Permit.
4. **Other approvals required.** All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall receive all necessary approvals from the Director, the Public Health Department, and the County Fire Department or applicable fire protection district.

C. Contents of application. An application for a temporary use shall be filed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

D. Permit processing.

1. **Compliance with development standards.** Permits for temporary uses and trailers subject to the provisions of this Section shall not be approved or issued except in compliance with the

requirements of this Section and other applicable development standards of this Development Code. Temporary uses that are exempt from a planning permit shall still comply with any applicable development standards of this Development Code.

- ~~2. **Exempt temporary uses within the Coastal Zone.** The temporary use of property or structures within the Coastal Zone are exempt from a planning permit provided the temporary use complies with all of the following:~~
- ~~a. The temporary use will not occupy any portion of a sandy beach, public park area, public pier, or public beach parking area between the Memorial Day weekend and Labor Day unless either:

 - ~~(1) The period of the use will be of less than one day in duration, including set up and take down; or,~~
 - ~~(2) The location is remote with minimal demand for public use.~~~~
 - ~~b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area, public pier, or public beach parking area where no fee is currently charged for the use of the same area, or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.~~
 - ~~e. The proposed temporary use has been reviewed in advance by the Director and the Director determined that it meets all of the following criteria:

 - ~~(1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event.~~
 - ~~(2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources pursuant to the policies and section of the certified Local Coastal Program.~~
 - ~~(3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.~~~~
 - ~~d. The Director may determine that a temporary use shall be subject to a Coastal Development permit in compliance with Section 35.82.050 (Coastal Development Permits) and/or a Conditional Use Permit or a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) even if the development meets all of the criteria in Subsection 2.a through Subsection 2.c above, if the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources.~~
- 3. Timeline to approve Coastal Development Permit or Land Use Permit.** Except for trailers allowed in compliance with Subsection G. (Trailer use) below, the Director shall approve, conditionally approve, or deny an application for a Coastal Development Permit or a Land Use Permit within 30 days of submittal of a complete application to the Department.
- 4. Notification of Supervisor.** Except for trailers allowed in compliance with Subsection G. (Trailer use) below, a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit that allows the establishment of a temporary use of land shall not be approved (in the case of a Conditional Use Permit or Minor Conditional Use Permit) or issued (in the case of a Coastal Development Permit or Land Use Permit) until the Supervisor of the Supervisorial District in which the temporary use is proposed, or his or her designated representative, has been notified of the application.

5. **Notice.** Notice of a ~~Coastal Development Permit~~, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit for a temporary use, shall be provided in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
6. **Appeal.** The action of the review authority to approve, conditionally approve, or deny a ~~Coastal Development Permit~~, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit for a temporary use, shall be final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

Table 4-1014 Allowed Temporary Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Certified farmers market	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (agricultural office)	S	S	S	S	35.42.260.G.5
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

AG-I	Agricultural I	CZ	Coastal Zone
AG-II	Agricultural II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.

Table 4-111415 Allowed Temporary Use and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.14
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	—	ZC	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

MT-GOL	Mountainous Area - Goleta	RMZ	Resource Management
MT-TORO	Mountainous Area - Toro Canyon	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

<p>Table 4-1216¹⁶</p> <p>Allowed Temporary Uses and Permit Requirements for Residential Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>ZC Permitted use, Zoning Clearance required</p> <p>P Permitted use, Land Use or Coastal Permit required</p> <p>MCUP Minor Conditional Use Permit required</p> <p>CUP Conditional Use Permit required</p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>			
	<table border="1"> <thead> <tr> <th rowspan="2">LAND USE (1)</th> <th>PERMIT REQUIRED BY ZONE</th> <th rowspan="2">Specific Use Regulations</th> </tr> <tr> <th>ALL RESIDENTIAL ZONES</th> </tr> </thead> </table>	LAND USE (1)	PERMIT REQUIRED BY ZONE	Specific Use Regulations
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations	
	ALL RESIDENTIAL ZONES			

TEMPORARY EVENTS

Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	Coastal Zone - P Inland area - ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	35.42.260.G.14

TEMPORARY OFFICES/STORAGE

Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.6
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	Coastal Zone - P Inland area - ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	35.42.260.G.12
Trailer (subdivision sales office)	Coastal Zone - P Inland area - ZC	35.42.260.G.13

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Use not allowed in the EX-1 and ~~EX-1 CZ~~ zones.
- (3) Use not allowed in the ~~PRD CZ~~, SLP, MHP, ~~MHP CZ~~, and MHS zones.

Table 4-1317 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
P	Permitted use, Land Use or Coastal Permit required (2)					
MCUP	Minor Conditional Use Permit required					
CUP	Conditional Use Permit required					
S	Permit determined by Specific Use Regulations					
—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.5
Parking lot sale	—	—	—	S	S	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
Swap meet	—	—	—	CUP	CUP	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.4.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	—	ZC	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-13-17 - Continued Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	—	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	MCUP	—	—	—	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	MCUP	35.42.260.F.5
Parking lot sale	S	—	—	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	—	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	P	—	35.42.260.F.13
Swap meet	CUP	—	—	—	CUP	35.42.260.F.14

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	—	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	ZC	—	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	—	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	P	—	35.42.260.G.13

Key to Zone Symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
CS	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-13-17 - Continued Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required-(2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	—	35.42.260.F.5
Parking lot sale	—	—	S	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	P	35.42.260.F.13
Swap meet	—	—	—	—	—	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	—	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	—	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	—	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	—	ZC	ZC	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	—	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	P	35.42.260.G.13

Key to Zone Symbols

C-V	Visitor-serving Commercial	PI	Professional and Institutional
SC	Shopping center	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-14¹⁸ Allowed Temporary Uses and Permit Requirements for the Industrial Zones	E	Allowed use, no permit required (Exempt)						
	ZC	Permitted use, Zoning Clearance required						
	P	Permitted use, Land Use or Coastal Permit required (2)						
	MCUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	Permit determined by Specific Use Regulations						
	—	Use Not Allowed						
LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	P	P	P	P	P	P	35.42.260.F.1
Certified farmers market	MCUP	MCUP	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	—	—	
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	—	ZC	ZC	ZC	—	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	—	—	—	—	—	—	—	
Trailer (subdivision sales office)	ZC	P	ZC	ZC	ZC	P	P	35.42.260.G.13

Key to Zone Symbols

M-RP	Industrial Research Park	M-2 CR	General Industry Coastal-Related Industry
M-1	Light Industry	M-CR M-CD	Coastal-Related Industry Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-151819 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	P	—	P	—	—	35.42.260.F.1
Certified farmers market	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	—	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	—	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	—	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	—	S	S	S	35.42.260.F.10
Seasonal sales lots	P	—	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	—	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	MCUP	—	—	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.8
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	—	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	ZC	ZC	ZC	ZC	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	—	35.42.260.G.13

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential		

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

Table 4-15-19 - Continued Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU-CZ	REC	REC-CZ	TC-CZ	

TEMPORARY EVENTS

Carnivals, circuses, and similar activities	—	—	—	—	—	
Certified farmers market	—	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	P	35.42.260.F.13

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	—	—	—	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

TEMPORARY OFFICE/STORAGE

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.7
Trailer (mobile communications temporary facility)	ZC	—	ZC	—	—	35.42.260.G.10
Trailer (storage as accessory to dwelling)	E	E	—	—	—	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	P	35.42.260.G.13

Key to Zone Symbols

PU	Public Works/Utilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

(1) See Article 35.11 (Glossary) for land use definitions.

E. Development standards for all temporary uses. Except for trailers allowed in compliance with Subsection G. (Trailer use) below, temporary uses allowed under Subsection B. (Applicability) above shall comply with the following development standards:

- 1. Time limit.** Temporary uses shall not continue for more than five consecutive days unless otherwise specified in the approved permit or in Subsection F. (Permit requirements and development standards for specific temporary uses) below.
- 2. Compliance with regulations.** The applicant for the temporary use shall comply with all provisions of the laws of the County, including the County Business License Ordinance and any conditions imposed in compliance with this Section or other requirements of this Development Code.
- 3. Conditions of approval.** The review authority shall have the right to impose reasonable conditions

upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:

- a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:
 - (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
 - (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite, placed prior to the commencement of each event, directing visitors to and indicating the location of parking areas.
 - d. Regulation of noise, vibration, odors, etc.
 - e. Regulation of the number, height and size of temporary structures, equipment, and signs.
 - f. Limitation on the hours and days of operation.
 - g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
 - j. Obtaining a County Business License if necessary.
 - k. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area on properties five acres or greater in size, the proposed temporary use shall require an approved Fire Protection Plan in compliance with Policy FIRE-MC-4 to avoid onsite and offsite emergency evacuation impacts.
- 4. Clearing of site following event.** The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.
- 5. Additional findings.** A permit for a temporary use shall be approved only if all of the following findings, in addition to the findings required for approval of a ~~Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, or Land Use Permit in compliance with Section 35.82.050 (Coastal Development Permits),~~ [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) and [Section 35.82.110 \(Land Use Permits\)](#), are first made:
- a. The site is adequate in size and shape to accommodate the proposed temporary use.
 - b. The proposed temporary use will not adversely interfere with existing uses on the subject property, and will not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

F. Permit requirements and development standards for specific temporary uses.

This Section provides the permit requirements and development and operational standards for specific temporary uses of property, except for trailers allowed in compliance with Subsection G. (Trailer use)

below, in addition to the permit requirements and development standards identified in Table 4-10~~14~~¹⁹ through Table 4-15~~19~~¹⁹. The temporary uses of property may include the erection of temporary structures (e.g., fences, booths, tents, or the parking of trailers) for use during the period of time that the temporary use is operating.

1. **Carnivals, circuses, and similar activities.** Carnivals, circuses, and similar activities, including amusement parlors, art and craft fairs (including the sale of antiques and art objects), Ferris wheels, menageries, merry-go-rounds, outdoor shooting galleries, penny arcades, prizefights, religious assemblies, shooting matches, tent shows, trained animal shows, turkey shoots and wrestling matches, may be allowed provided they are located on property with an agricultural, commercial or industrial zone designation.
2. **Car washes.** Car washes, located on property with a commercial zone designation, with sponsorship limited to educational, fraternal, religious, or service institutions and organizations directly engaged in civic, charitable and philanthropic efforts, may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	Limited to two days per month at each location, for each sponsoring organization.
Coastal Development Permit or Land Use Permit	Operating for more than two days per month at each location, for each sponsoring organization.

3. **Certified farmers markets, incidental.** Certified farmers markets when incidental to a conference center, fairground, meeting facility, school, or government or philanthropic institution.
4. **Charitable and other noncommercial functions.** The use of a lot for charitable and other noncommercial functions where the owner or tenant of the lot receives no remuneration, including fundraisers, parties, receptions, weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.

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

5. **Mobile vendors.** Mobile vendors may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Minor Conditional Use Permit	Located on a lot with a CN zone designation: Limited to the sale of produce from a temporary stand.
Minor Conditional Use Permit	Located on a lot with a C-1, C-1-CZ , C-2, C-2-CZ , or CM-LA zone designation: Limited to the sale of fresh fruit, vegetables and flowers from a motor vehicle or stand not affixed to the ground.

6. **Parking lot sales.** Parking lot sales located on a lot with a C-2, ~~C-2-CZ~~, C-3, or SC zone designation may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Coastal Development Permit or Land Use Permit	Limited to four parking lot sales per calendar year for any one establishment.
Minor Conditional Use Permit	In excess of four parking lot sales per calendar year for any one establishment.

a. **Additional requirements.**

- (1) The review authority shall not approve or issue the applicable planning permit unless the review authority finds that the proposed sale will not be detrimental to the public health, safety, and welfare and that adequate onsite pedestrian access and parking will exist during the proposed sale.
- (2) The review authority may impose any reasonable conditions as necessary to protect and preserve the public health, safety, and welfare.

7. **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters, or other permitted public assembly facilities are exempt from the permit requirements of this Section provided the event is consistent with the uses allowed in that facility in compliance the planning permit approved and/or issued for the facility.
8. **Public property.** Events held at a County park or on other County-owned land are exempt from permit requirements when conducted with the approval of the County.
9. **Reception facilities.** Reception facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Subsection F.7 (Public assembly facilities) above.
10. **Rodeos and other equestrian events.** Rodeos and other equestrian events may be allowed in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Coastal Development Permit or Land Use Permit	The lot is a minimum of 10 acres in area. The event is located on a lot with an agricultural zone designation. The lot is not located within 1,000 feet of a lot with a residential zone designation. The number of spectators and participants present at the event at any one time does not exceed 300.
Minor Conditional Use Permit	None, except as may be required by the review authority.

11. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials) not subject to the regulations of [Section 35.42.050 \(Agricultural Product Sales\)](#) including temporary residence/security trailers, located on non-residentially zoned land, or on

residentially zoned land utilized by an institution (e.g., religious institution, educational facility), may be allowed provided they do not continue for more than 60 consecutive days.

12. **Spectator events.** Spectator entertainment facilities including concerts, outdoor movies, and live performance stages or theaters.
13. **Subdivision sales office.** Subdivision sales offices may be allowed in compliance with the following development standards:
 - a. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
 - b. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within a portion of a model home, other than the garage, or unless the Commission has approved its conversion to a permanent use.
 - c. During the time it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
 - d. The garage of a model home may be used as the sales office subject to the recordation of an agreement by the owner of the lot that the model home is located on prior to the issuance of the ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ to allow the use of the garage as a sales office specifying that sales office will be converted to a garage at the time of expiration of the ~~Coastal Development Permit or the Land Use Permit or Zoning Clearance~~. The occupancy of the model home shall not be allowed until the sales office has been removed or a two-car garage is provided for the model home.
 - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.
 - e. The ~~Coastal Development Permit or Land Use Permit or Zoning Clearance~~ shall expire after either the initial sale of all the lots within the subdivision in which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or within one year after the issuance of the ~~Coastal Development Permit or Land Use Permit or Zoning Clearance~~, whichever is earlier.
 - f. The ~~Coastal Development Permit or Land Use Permit or Zoning Clearance~~ may be extended one time by the Director for one year upon application of the subdivider for good cause shown.
 - g. If the sales office is located in a separate structure including a trailer, then an agreement shall be recorded by the owner of the lot that the sales office is located on prior to the issuance of the ~~Coastal Development Permit in compliance with Section 35.82.050 or Land Use Permit in compliance with Section 35.82.110 or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances)~~ to allow the construction or installation of the sales office specifying that sales office will be removed within 30 days after expiration of the ~~Coastal Development Permit or Land Use Permit or Zoning Clearance or any extension thereof~~, or after notification by the Director if the Commission at any time finds that the sales office is unsightly or has become a public nuisance.
 - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

- 14. Swap meets.** Swap meets may be allowed in compliance with the following development standards:
- Outdoor storage of materials or merchandise is prohibited except during hours of operation.
 - Signs or other advertising by the individual sellers is prohibited.
- 15. Temporary dwellings during the construction of a new dwelling.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
- An agreement is recorded by the owner prior to the issuance of a ~~Coastal Development Permit in compliance with Section 35.82.050~~ or Land Use Permit in compliance with [Section 35.82.110](#) for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to an allowed accessory structure within 90 following commencement of the occupancy of the newly constructed dwelling.
 - Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.

G. Trailer use.

- 1. Permit requirements and development standards.** This Section provides the permit requirements and development standards for specific temporary and semi-permanent uses of trailers in addition to the permit requirements and development standards identified in Table 4-10~~14~~[14](#) through Table 4-15~~19~~[19](#).
- 2. Limitations on use.** Trailers shall only be allowed for the uses and activities described in this Section, except as otherwise expressly allowed in [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- 3. Accessory to a permanent structure.** A trailer may be used as a structure accessory to a permanent structure already on the same site in all zones for a use allowed under the provisions of the applicable zone and regulations of this Development Code, provided:
 - The required Minor Conditional Use Permit shall be valid for an initial period not to exceed two years.
 - The Minor Conditional Use Permit may be renewed for additional two-year periods subject to the restrictions of this Section and provided the request for the renewal is filed before the expiration date of the previously approved Minor Conditional Use Permit.
 - The cumulative time period for the Minor Conditional Use Permits and renewals shall not exceed a maximum of six years unless the review authority finds that:
 - A permanent structure is under construction on the building site to contain the use and replace the trailer; or
 - The permanent structure that is being constructed on the building site to contain the use and replace the trailer has an active building permit; or
 - The construction of a permanent structure on the building site to contain the use and replace the trailer is authorized in compliance with a discretionary permit that has not expired.
 - The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - The review authority may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in a form acceptable to and approved by the County, be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.

- 4. **Agricultural employee dwellings, not including Farmworker Housing.** Not including Farmworker Housing permitted in compliance with Section 35.42.135 (Farmworker Housing), trailers may be used as dwellings for agricultural employees in compliance Section 35.42.030 (Agricultural Employee Dwellings).
- 5. **Agricultural offices.** Trailers may be allowed on a lot with an agricultural zone designation primarily for the performance of duties imposed on the owner or lessee of the land by Federal, State, or County laws or regulations in connection with the agricultural activities conducted on the land, in compliance with the following permit requirements and development standards.

Permit Requirement	Development Standards
Exempt	For 30 days or less
Coastal Development Permit or Land Use Permit	For more than 30 days to a maximum of one year
Minor Conditional Use Permit	For more than one year

- a. All permits shall include a condition that the trailers shall be removed from the lot within six months following the effective date of a rezoning of the lot to a zone classification other than agriculture.
- 6. **Air quality monitoring stations.** Trailers may be used as air quality monitoring stations for a time period that is adequate to meet the specific air quality monitoring needs of the project, as recommended by the County Air Pollution Control District and determined by the Zoning Administrator provided:
 - a. The Zoning Administrator shall approve the Minor Conditional Use Permit only if the following additional findings are first made:
 - (1) That the stations are either required or approved by the County Air Pollution Control District.
 - (2) The zone setbacks are complied with.
 - (3) The trailers are adequately screened from public view by landscaping or other measures.
 - b. The trailer, including any foundation, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - c. The Zoning Administrator may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in compliance with [Sections 35.84.020 \(Performance Guarantees\)](#) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.
- 7. **Construction trailers.**
 - a. **Allowed uses.** Trailers used as construction offices, tool storage, or for particular work (e.g., electrical shops, cabinet shops, and other similar uses that are not used for human habitation during the night may be allowed on a building site during periods of construction of structures on the site in compliance with the following permit requirements and development standards, provided:
 - (1) Building permits have been issued for the structures being constructed on the site; and
 - (2) The trailer is removed promptly upon completion of construction.
 - b. **Permit requirements.**
 - (1) Up to three construction trailers may be located on a building site without a ~~Coastal~~

~~Development Permit or Land Use Permit.~~

- (2) More than three such construction trailers per building site may be permitted with a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) for an initial period not to exceed two years provided the Zoning Administrator finds that:
 - (a) The need for the trailers has clearly been demonstrated; and
 - (b) A time frame for their removal has been provided.
- (3) Renewals for additional two-year periods for trailers approved in compliance with Subsection b.(2) above, may be granted through the approval of a subsequent Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) if the request is filed before the expiration date of the previously approved Minor Conditional Use Permit for the same use.

8. Dwelling use of trailers during construction of dwellings.

- a. A trailer may be used as a one-family dwelling during construction of a dwelling in all zones provided:
 - (1) The use of the trailer is limited to a period of 12 months or until 30 days after the final building permit inspection has been completed by the County Building Official, or the new dwelling is occupied, whichever is earliest.
 - (a) If a trailer located on the building site has been illegally occupied, then the 12-month period shall be reduced by the period of time during which the trailer has been illegally occupied on the site.
 - (2) The building permit has been issued for the dwelling and the foundation has been inspected and approved.
 - (3) The permittee complies with the State Mobile Home Act.
 - (4) The trailer complies with the setbacks and distances between structures required for structures.
- b. The period of time that the trailer is allowed to be used as a dwelling may be extended by the approval of a Minor Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

9. Dwelling use of trailers after destruction of dwelling. ~~A Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) may be issued to allow the emergency use of the trailer as a dwelling if an occupied dwelling is destroyed by fire, flood, earthquake, vandalism or other calamity beyond the control of the owner, provided:~~

- a. ~~The Coastal Development Permit or Land Use Permit shall only be valid for a 180-day period; and~~
- b. A trailer is not illegally located on the lot.

10. Mobile telecommunications temporary facility. Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:

- a. The facility qualifies as a mobile telecommunications temporary facility.
- b. The Director in consultation with the County Sheriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.

- c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 11. Railroad work camp.** Trailers may be used to exclusively house employees of a railroad engaged full-time in construction or maintenance of the railroad's right-of-way provided:
- a. The trailers are located on permanently improved sites within the railroad right-of-way that are isolated from mobile home parks provided:
 - b. Trailers, including their foundations, permitted in compliance with this Section shall be promptly removed upon completion of the permanent structure or after the authorized use of the trailer is discontinued.
 - c. The Zoning Administrator may include, as a condition of approval of the Minor Conditional Use Permit, that a performance security, in compliance with [Sections 35.84.020 \(Performance Guarantees\)](#) be deposited with the County to guarantee the removal of the trailer and foundation to ensure compliance with this requirement.
- 12. Storage of trailers as accessory to a residential use.** Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.
- a. Trailers shall not be kept, parked or stored in:
 - (1) Required front setback areas.
 - (2) Parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - b. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands, not including antennas and air conditioning units), and 40 feet in length.
 - c. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
 - d. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
 - e. Trailers holding vehicles or used to store materials shall be in compliance with Subsection 35.23.050.C (Accessory Storage).
 - f. Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection K, Exterior parking, of Section 35.36.100, Standards for Residential Zones and Uses.
- 13. Subdivision sales office.** A trailer may be used as a temporary subdivision sales office in compliance with Subsection F.13 (Subdivision sales office) above.
- 14. Watchman trailers.** Trailers may be used as a dwelling for a watchman for a period not to exceed five years provided:
- a. The trailer is accessory to a permanent structure or use.
 - b. The applicant complies with the State Mobile Home Act.
 - c. The trailer complies with setbacks and distances between structures required for structures.
- 15. Watchman trailers during construction.** A trailer, usable for or designed for human habitation, may be maintained on a building site for use as a watchman's quarters during periods of

construction of structures on the site, provided:

- a. Building permits have been issued for the structures.
- b. Only one watchman's trailer shall be allowed on a site.
- c. The trailer shall be promptly removed upon completion of construction of the structures or within one year from the issuance of the ~~Coastal Development Permit or Land Use Permit~~ for the trailer, whichever occurs first.

35.42.270 - Vehicle Services

- A. **Purpose and applicability.** This Section provides standards for the operation of specific vehicle service uses, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. **Mechanical car washes - CH zone.** Mechanical car washes in the CH zone shall comply with the following standards:
 1. **Abutting residential zone prohibited.** Mechanical car washes shall not be allowed on properties abutting a residential zone.
 2. **Noise reduction methods.** Construction of masonry walls, fencing, installation of landscaping, and other methods shall be required to reduce noise effects on abutting property.
 3. **Compatibility with adjacent uses.** Controls over access, parking, and landscaping shall be required that will make the mechanical car wash compatible with adjacent uses.

35.42.280 - Wineries

- A. **Purpose and applicability.** This Section provides regulations for the development and operation of wineries, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The intent is to promote the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources.
- ~~B. Coastal Zone permit requirements and development criteria.~~
 - ~~1. Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises that comply with all of the following criteria may be allowed subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~
 - ~~a. The winery is located on premises used for vineyard purposes.~~
 - ~~b. The winery is operated in connection with the processing of wine grapes grown on the premises.~~
 - ~~c. Retail sales of wine grape products shall be limited to those grown on the premises.~~
- CB. Inland area p** ~~Permit requirements and development criteria.~~
 1. Wineries that comply with all of the following criteria may be allowed subject to the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
 - a. For every 1,000 cases of wine produced per year there shall be a minimum two acres of vineyard planted on the winery premises.
 - b. The production capacity of the winery shall not exceed 20,000 cases per year.
 - c. The winery premises shall not contain a tasting room.
 - d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.

- e. Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retail wine sales to the public.
2. Wineries that comply with all of the following criteria may be allowed subject to a Development Plan approved by the Zoning Administrator in compliance with [Section 35.82.080 \(Development Plans\)](#).
 - a. For every 1,000 cases of wine produced there shall be a minimum one-acre of vineyard planted on the winery premises.
 - b. The production capacity of the winery shall not exceed 50,000 cases per year.
 - c. The winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater.
 - d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.
 - e. Winery special events occurring on the winery premises shall not exceed eight per year and the attendance at each event shall not exceed 150 attendees.
3. Wineries that comply with all of the following development standards may be allowed subject to a Development Plan approved by the Commission in compliance with [Section 35.82.080 \(Development Plans\)](#). The production capacity of the winery is not limited and the winery may contain a tasting room.
 - a. For every 1,000 cases of wine produced there shall be at a minimum one-half acre of vineyard planted on the winery premises.
 - b. Winery special events occurring on the winery premises shall not exceed 12 per year and the attendance at each event may not exceed 200 attendees.
 - (1) Winery special events in excess of 12 per year or where the attendance at one or more events exceeds 200 may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
 - (2) The number of special events allowed by a Conditional Use Permit shall not exceed 40 days per year.
4. The Department shall refer winery applications to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the review authority.

DC. ~~Development standards for winery facilities located in the Inland area.~~ Wineries shall also comply with the following development standards, unless otherwise indicated. The standards contained in this Subsection shall supersede other regulations contained in this Development Code in the case of a conflict. However, other portions of the Santa Barbara County Code, as well as permitting requirements of other County Departments may contain standards and regulations that apply to winery development.

1. In general.:

- a. The primary purpose of the winery shall be to process wine grapes grown on the winery premises or on other local agricultural lands located within Santa Barbara County and San Luis Obispo County. No more than 50 percent of the grapes processed over a five year period shall be imported from outside of Santa Barbara County and San Luis Obispo County.
- b. Retail sales of wine grape products shall be limited to those produced by the winery operator or bottled or grown on the winery premises.

2. Setbacks.:

- a. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 100 feet from adjacent lots. This setback shall be increased to 200 feet if the winery includes public tours, public wine tasting, retail sales, or special events.
- b. Structures and outdoor use areas associated with a winery shall provide a minimum setback of 200 feet from an existing residence located on an adjacent lot. The setback shall be increased to 400 feet if the winery includes public tours, public wine tasting, retail sales, or special events. A winery shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the approval for the winery is granted (either by an approved Development Plan or issued Land Use Permit), a residence is constructed on property that is either not owned by the owner of the property on which the winery is located or is not part of the winery premises, and the location of the residence is within the setback distances specified above.
- c. The setbacks may be reduced by the review authority provided any of the following findings are made. However, the setbacks shall not be reduced to below that which is normally required by the applicable zones or [Article 35.2 \(Zones and Allowable Land Uses\)](#).
 - (1) There is not a feasible way to meet the required setbacks without creating a significant environmental impact or impacting prime agricultural land (i.e., Soil Conservation Service Class I and II).
 - (2) The setback distances are not practical or feasible due to existing topographic conditions or onsite vegetation.
 - (3) The setback reduction is proposed for a legally constructed existing structure, and as indicated below.
 - (a) It can be clearly demonstrated that the structure was intended to be used for a legitimate agricultural or residential use, and
 - (b) The use of the structure as part of a winery operation shall not adversely affect neighboring properties.
 - (4) The setback reduction is proposed for a structure that is part of an existing nonconforming winery operation and proposed additions to the structure are located no closer to the closest property line than the existing structure is located.
- d. The minimum setback distances required under Subsections 2.a. and 2.b. above do not apply if the adjoining property is under the same ownership as the lot that the winery is located on or is included within the winery premises.

3. Access/street addressing.:

- a. Access to the winery premises and access ways within the winery premises, shall be designed to the satisfaction of the County Traffic Engineer and County Fire Department and shall comply with the applicable County private road and driveway standards and requirements. Ingress and egress shall be clearly marked and visible, and turning movements into the winery premises shall not create congestion or unnecessary slowing at access points. Structure address numbers shall be posted at the driveway/access road winery premises entrances and on winery structures in compliance with County Fire Department requirements.
- b. Existing roads shall be utilized to the maximum extent feasible in order to minimize grading, site disturbance, and the loss of agricultural land.

4. Design standards.

New structures associated with the winery including production facilities shall be subject to review and approval by the Board of Architectural Review in compliance with [Section 35.82.070 \(Design Review\)](#). Exterior changes to existing structures associated with the winery shall be subject to review and approval by the Board of Architectural Review in compliance with [Section](#)

[35.82.070 \(Design Review\)](#) unless the exterior changes are determined to be minor by the Director. In addition, the following design standards shall also apply.

- a. **Exterior.** The design, scale, and character of the winery shall be compatible with existing development in the vicinity. Structures associated with the winery including production facilities shall have an exterior design style that is agricultural or residential in nature using earth tones and non-reflective paints, siding, and roofing materials. Structures shall not use an exterior design style typically associated with large industrial facilities.
- b. **Screening.** The visibility of winery structures from public roads shall be minimized through the use of landscaping and other screening devices to ensure that the character of the area is retained. Tanks not located within a structure shall be completely screened from public roads.
- c. **Height.** The height of a structure associated with a winery facility shall be limited to 35 feet. The height limit may be increased to 45 feet where a pitched roof of greater than four in 12 (rise to run) is proposed and at least 50 percent of the structure is limited to a height of 35 feet or less.
- d. **Lighting.** Exterior lighting fixtures shall be of a low intensity, low glare design and shall be shielded with full cutoff design and directed downward to ensure that neither the lamp nor the related reflector interior surface is visible from a location off of the winery premises in order to prevent spill over onto adjacent lots under separate ownership. Pole lighting fixtures shall be used only for special events and seasonal agricultural activities. Exterior lighting shall not be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

5. **Parking.**

- a. The number, size, location, and design of required parking spaces shall comply with the standards of [Chapter 35.36 \(Parking and Loading Standards\)](#) unless there is a conflict with the standards of this Section, in which case the standards of this Section shall apply.
- b. The visibility of parking areas associated with the winery from public roads shall be minimized through the use of landscaping and other devices.
- c. The number of parking spaces shall be permanently maintained on the winery premises. The review authority may modify the number of required spaces based on site-specific considerations. Oversize parking spaces to accommodate bus/limousine parking is only required for wineries that are open to the public.
- d. Parking shall not be allowed within an adjoining road right-of-way or trail easement.
- e. Parking areas shall be surfaced with a minimum of asphalt, concrete, brick, or other masonry paving units, chip seal, or crushed rock surface. Parking spaces on paved surfaces shall be marked with paint striping a minimum of two inches in width. Parking spaces on other types of surfaces shall be marked by the use of concrete wheel stop barriers, timber, or other durable material, that is securely installed and fastened to the parking surface. These standards shall not apply to temporary parking provided in open field areas for special events.
- f. Parking for special events, group events, or winemaker dinners may be provided in open field areas with a slope of 10 percent or less, free of combustible materials, at a ratio of 400 square feet per required space (including parking space and traffic aisles).

6. **Waste disposal.**

- a. **Solid waste disposal.** A winery solid waste management plan shall be submitted for review and approval by the Public Health Department. The plan shall include a green waste reduction program that includes the disposal of stems, leaves, and skins of grapes by drying, spreading, and disking the waste into the soil on the winery premises or other agriculturally zoned

property. Pomace may be used as fertilizer or as a soil amendment provided that the use or other disposal shall occur in compliance with applicable County standards.

- b. **Liquid waste disposal.** Liquid waste (process wastewater) from the winery operation shall be handled separately from domestic liquid waste and shall be in compliance with applicable Regional Water Quality Control Board and County of Santa Barbara discharge requirements.

7. **Tasting rooms.**

- a. Tasting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility.
- b. The location of the tasting room shall take into consideration site constraints, onsite access, visual concerns, grading and other environmental issues.
- c. The primary focus of the tasting room shall be the marketing and sale of the wine produced on the winery premises. Sales of souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery may also be offered for sale in the tasting room.
- d. If more than one winemaker shares production facilities or more than one winery is located on a winery premises, only one tasting room is allowed. More than one winemaker or winery facility may share a tasting room.

8. **Special events.**

- a. **Site area.** The minimum winery premises area on which a special event shall occur is 20 acres. However, this requirement may be reduced by the review authority upon a determination that the character of the area and the type of special event makes a 20 acre winery premises site area unnecessary.
- b. **Use limitations.**
 - (1) Amplified music associated with special events shall not exceed 65 dBA at the exterior boundary of the winery premises. For wineries located in Inner-Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 8 p.m. and the amplified music shall cease by 7 p.m. For wineries located within Rural Areas as designated on the Comprehensive Plan, a special event proposing outdoor amplified music shall only be allowed from 10 a.m. to 11 p.m., and the amplified music shall cease by 10 p.m. unless the Director determines that the sound at the property line shall not exceed 65 dBA.
 - (2) The site of a special event shall be located a minimum of 1,000 feet from a residential one-family zone that has a minimum lot area requirement of one acre or less.
 - (3) County Fire Department requirements shall be met.
 - (4) Water supply and sanitation facilities shall be provided as required by the County Public Health Department.
- c. **Parking plan.** A parking plan shall be implemented for special events. The plan shall include:
 - (1) The use of a parking coordinator who shall be present at all times during special events attended by 100 or more persons to manage and direct vehicular movement and parking.
 - (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the

commencement of each special event.

9. **Hazardous Materials Business Plan.** A Hazardous Materials Business Plan shall be reviewed and approved, or waiver granted, by the County Fire Department or fire district with jurisdiction in the event that storage, handling, or the use of hazardous materials occurs on the winery premises.
10. **Noise.** Noise-generating construction activities associated with winery structural development occurring within 1,600 feet of a noise-sensitive land use as defined in the County Noise Element shall be limited to the hours between 8 a.m. and 5 p.m., Monday through Friday, and shall not occur on State holidays. Non-noise generating construction activities (e.g., painting without the use of a compressor) are not subject to these restrictions.

ED. Application requirements. The Director shall establish and maintain a list of information that shall accompany every application for a winery facility. The information shall be in addition to the information required in [Section 35.82.110 \(Land Use Permits\)](#) and [Section 35.82.080 \(Development Plans\)](#), as appropriate, and shall include, but shall not be limited to:

1. The range of activities occurring onsite directly related to wine production (e.g., crushing, fermentation, barrel aging, bottling, bottle storage) accompanied by a site plan that provides a description of where the different winery processes will occur on the site.
2. Production capacity, existing, and proposed.
3. The type of cooperage used in fermentation.
4. Origin of grapes used in the wine production (e.g., percent of grapes produced onsite, percent of grapes imported from off-site).
5. The area (existing and proposed) of structures, parking, roads, and driveways, uncovered processing areas, vineyard, and other planted areas.
6. A description of measures proposed to minimize the off-site effects of dust, odor, or noise generated by the proposed winery operation.
7. Information regarding proposed public tours and wine tasting, retail wine sales, other retail sales including food service, and picnic areas available to the public.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submittal application.

CHAPTER 35.44 - TELECOMMUNICATIONS FACILITIES

Sections:

[35.44.010 - Commercial Telecommunications Facilities](#)

[35.44.020 - Noncommercial Telecommunications Facilities](#)

35.44.010 - Commercial Telecommunications Facilities

- A. Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. Applicability.**
- 1. Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
 - 2. Allowable zones and permit requirements.** Table 4-16-20 (Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-16-20 - Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Zoning Clearance	35.42.260.G
Tier 1 (b) Project - Spectrum Act Facility Modifications	<u>All zones</u>	<u>Zoning Clearance</u>	<u>35.44.010.C.1.(b)</u> <u>35.44.010.D</u>
Tier 1 (bc) Project - Hub sites	All zones	Land Use Permit	<u>35.44.010.C.1.(bc)</u> <u>35.44.010.D</u>
Tier 2 (a) Project - Very small <u>small wireless</u> facilities	Nonresidential <u>All zones, except not allowed in the Mixed Use (MU) zone</u>	Development Plan approved by the Director	<u>35.44.010.C.2.(a)</u> <u>35.44.010.D</u>
Tier 2 (b) Project - Tenant improvements	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(b)</u> <u>35.44.010.D</u>
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(c)</u> <u>35.44.010.D</u>
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(d)</u> <u>35.44.010.D</u>
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Minor Conditional Use Permit	<u>35.44.010.C.3.(a)</u> <u>35.44.010.D</u>
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Minor Conditional Use Permit	<u>35.44.010.C.3.(b)</u> <u>35.44.010.D</u>
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	<u>35.44.010.C.4.(a)</u> <u>35.44.010.D</u>
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	<u>35.44.010.C.4.(b)</u> <u>35.44.010.D</u>

Notes:

- (1) Not allowed in or within 300 feet of a residential zone.

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection ~~H~~I, unless otherwise specified. Modifications to zone regulations in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or [Section 35.82.080 \(Development Plans\)](#) may be allowed only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with Section 35.42.260.G.

b. Standard for Tier 1 projects, Spectrum Act facilities. Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

(1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

(a) Eligible facilities request. The project must be a request for modification to an existing wireless tower or base station that involves:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.

(c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.

(2) Substantial change. Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:

(a) Wireless towers not located within the public right-of-way.

(i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(b) Wireless towers located within the public right-of-way and base stations.

(i) The modification increases the height of the structure by more than 10

percent, or by more than 10 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

(iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.

(iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

(c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.

(d) The modification entails excavation or deployment outside of the current site.

(e) The modification would defeat the concealment elements of the support structure.

c. Standards for Tier 1 projects, hub sites. Wireless telecommunication facilities that comply with the following may be allowed:

- (1) The facility qualifies as a hub site.
- (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
- (3) The facility is located within a permitted building.

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

~~a.~~ Standards for ~~Tier 2 projects, very small facilities.~~ ~~Wireless telecommunication facilities that comply with the following may be allowed:~~

- ~~(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.~~
- ~~(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.

 - ~~(a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the review authority that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.~~~~
- ~~(3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~
- ~~(4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites).~~

a. Standards for Tier 2 projects, small wireless facilities. “Small wireless facilities,” as that

term is defined in 47 C.F.R. Section 1.6002(1), as amended, that comply with the following may be allowed:

- (1) The facilities:
 - (a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);
 - (b) are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- (4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).
- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.
- (7) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure, or vaulted underground, unless technical requirements dictate otherwise.
 - (a) If technical requirements dictate that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, the antenna may be mounted on a new pole or similar support structure provided the new pole or support structure replicates the materials, color, and finish of existing infrastructure nearby.
- (8) The placement of multiple, interconnected, small wireless facilities to establish a new network (i.e., four or more within a square mile) may be reviewed as a whole project including all components that result in a physical change to the environment (e.g., antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
- (9) **Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- (10) **Façade-mounted antennas.** Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not protrude more than two feet horizontally from the façade.

- b. Standards for Tier 2 projects (tenant improvements).** Wireless telecommunication facilities that comply with the following may be allowed. ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following development standards.~~
- (1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a, above.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H](#) (Conditions, restrictions, and modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:
 - (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
 - (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
 - (6) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
 - ~~(67)~~ Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable

development standards.

- (1) The facility qualifies as a collocated telecommunications facility.
- (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H \(Conditions, restrictions, and modifications\)](#) shall not be allowed.
 - (3a) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (ai) As provided in Subsection C.2.b.(3).
 - (bii) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.

d. Standards for Tier 2 projects, facilities that comply with the zone height limit. Wireless telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a, above and that comply with the following may be allowed:-

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. If the facility is located in an agricultural zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661 the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H \(Conditions, restrictions, and modifications\)](#) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (1) As provided in Subsection C.2.a.(3)(a).
 - (2) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
- a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height that do not otherwise qualify as a small wireless facility under C.2.a, above.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection [35.82.060.I \(Conditions, restrictions, and modifications\)](#) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Subsection [35.82.060.I \(Conditions, restrictions, and modifications\)](#) under the following circumstances:
 - (a) As provided in Subsection [C.2.d.\(1\)\(a\)](#).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
 - (3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
 - (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - b. **Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception.** Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:
 - (1) Are not located in a residential zone as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#).
 - (2) Do not exceed 50 feet in height.
4. **Tier 4 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:
- a. **Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3.** Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above may be allowed provided the height of the antenna and associated antenna support structures shall not exceed ~~75 feet in the Coastal Zone, and 100 feet in Inland areas.~~
 - b. **Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC**

or CPUC, e.g., AM/FM radio stations, television stations. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in [Section 35.14.020 \(Zoning Map and Zones\)](#). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a, above, or amateur radio facilities that are subject to the provisions of [Section 35.44.020 \(Noncommercial Telecommunication Facilities\)](#).

- (1) Facilities that are subject to regulation by the ~~Federal Communications Commission~~ [FCC](#) or the California Public Utilities [Commission](#) (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.
- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C. (Processing) above, all commercial telecommunication facilities except temporary mobile telecommunications facilities, shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:
 - a. **Setbacks.** The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:
 - (1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection [35.82.060.I](#) (Conditions, restrictions, and modifications) or Subsection [35.82.080.H](#) (Conditions, restrictions, and modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
 - (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - (3) A modification to the setback is granted in compliance with Subsection [35.82.060.I](#) (Conditions, restrictions, and modifications), or Section [35.82.080.H](#) (Conditions, restrictions, and modifications).
 - b. **Height limits and exceptions—~~Inland area.~~ In the Inland area a** Antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 100 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.
 - (1) Antennas used in connection with wireless communication facilities may exceed 100 feet in height provided:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - (2) Antennas (excluding solid dish and panel antennas) and lattice support structures used for the commercial reception and transmission of radio and television signals may be up

to 200 feet in height in Rural Areas provided:

- (a) Towers and antennas shall not be located within one mile of a County-designated scenic highway unless substantially screened by intervening topography or existing vegetation.
- (b) Unless substantially screened by intervening topography or existing vegetation, or proposed at a co-located site, the new tower/antenna shall be located no closer than one mile from Urban, Inner-Rural, and Existing Developed Rural Neighborhoods and as far as technically feasible to meet Federal Communications Commission signal strength and coverage requirements.
- (c) Towers and antennas shall be a minimum of 50 feet from a property line and 1.5 times the tower's height from the nearest development, excluding other telecommunication facilities and fences.
- (d) Noise levels from auxiliary power supplies shall not exceed County and State standards and policies.
- (e) If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to locate any existing antenna on the new tower when it will reduce visual impacts from the site.
- (f) Access is provided by existing roads or a road extension that minimizes the amount of ground disturbance and does not create additional visual impacts.
- (g) Towers, support structures, and antennas shall be painted a color chosen to reduce visual impacts. In lieu of painting the tower, the Commission may determine that a tower's construction material can be oxidized to a color that is acceptable for its location.
- (h) Landscaping, if appropriate, shall be utilized to minimize visual impacts of the tower and support buildings.
- (i) If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to consolidate equipment of existing support structures, underground utilities, or any other measures deemed appropriate to mitigate visual impacts.
- (j) Tower design and materials shall be the least visually obtrusive, taking technical and engineering considerations into account.
- (k) Exterior lighting shall be hooded and directed downward and shall be manually operated.

- (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of [Section 35.28.060 \(Airport Approach \(F\) Overlay Zone\)](#).

~~e. **Height limits and exceptions – Coastal Zone.** In the Coastal Zone antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.~~

- ~~(1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.~~
- ~~(2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet in height if:~~
 - ~~(a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,~~

- ~~(b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.~~
- ~~(3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35.28.060 (Airport Approach (F) Overlay Zone)~~
- dc. Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- ed. Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmarks Advisory Commission, or the Board on appeal.
- fe. Compliance with Federal Communication Commission FCC.** The facility shall comply at all times with all Federal Communication Commission FCC rules, regulations, and standards.
- gf. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- hg. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.
- ih. Location within Airport Approach (F) overlay zone.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
- ji. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- kj. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a review authority in approving a subsequent permit for development.
- hk. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:
- (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during

the construction period and for the life of the project.

- (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
- (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect ~~unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan.~~ A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of the vegetation shall be done under the direction of a licensed arborist.

- ~~(6) In the Coastal Zone, vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.~~

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
 - b. ~~In the Inland area, d~~ Disturbed areas associated with the development of a facility shall not

occur within the boundaries of an environmentally sensitive habitat area.—~~See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.~~

- c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4. of this Section, unless:
- (1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for collocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the ~~Federal Communications Commission~~ **FCC**. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
- e.—~~In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.~~
- f.—~~In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.~~

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Commission in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#). An exemption shall only be granted if the Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.
- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a

state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.

- b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.
- c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on a multiple user site.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
- ~~e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.~~

E. Project installation and post installation provisions.

- 1. **FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the ~~Federal Communications Commission (FCC)~~, including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.
 - a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
 - b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the review authority to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
 - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site

- and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole,
- (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
- (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular ~~radio frequency ("RF")~~ field test reporting in compliance with the following.
 - (a) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.
- c. **Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use by the Director. The decision of the Director to revoke the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
2. **Project Review.** The County reserves the right to undertake inspection of the facility and require the pPermittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities).
 3. **Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and,

in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

- a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.
- b. The permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
- c. The Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis.
- d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

4. Abandonment-Revocation.

- a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
- b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
- c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
- d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

5. Transfer of ownership. In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

6. Color compatibility. Prior to the issuance of a Zoning Clearance, ~~Coastal Development Permit~~ or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure prior to issuance of the Zoning Clearance, ~~Coastal Development Permit~~ or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice. Notice of the approval of any ~~Coastal Development Permit~~ or Land Use Permit, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

G. Additional findings. In addition to the findings required to be adopted by the review authority in compliance with ~~Section 35.82.050 (Coastal Development Permits)~~, [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), [Section 35.82.080 \(Development Plans\)](#) and [Section 35.82.110 \(Land Use Permits\)](#) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
2. The facility is located to minimize its visibility from public view.

3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 - a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations ~~and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility,~~ or
 - (3) Would avoid or reduce the potential for environmental impacts.
5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the ~~Federal Communications Commission~~**FCC** and complies with all other applicable safety standards.
- ~~6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

H. Additional findings for exceptions to height limits - ~~Inland Rural area.~~ In the ~~Inland area,~~ i In addition to the required findings of Subsection G. (Additional findings) above, and [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), an exception to the height limits for a telecommunications facility used for the commercial reception and transmission of radio and television signals in the Rural Area as designated on the Comprehensive Plan maps (not exceeding 200 feet) shall be approved only if all of the following findings can be made:

1. The support structure and antenna do not intrude into the skyline as seen from a County-designated scenic highway.
2. The support structure and antenna exceed 100 feet only when technical requirements dictate (e.g. FCC signal strength and required coverage).
3. The height of the support structure and antenna are reduced to the maximum extent feasible, taking into account the use for which the antenna is proposed.
4. The support structure and antenna do not interfere with the enjoyment and use of surrounding properties.
5. The support structure and antenna do not result in a substantial detrimental visual effect on open space views as seen from public viewing points.
6. The visual impacts are not substantially exacerbated with the addition of the proposed tower at a co-located site.

I. Application requirements.

1. An application for a ~~Coastal Development Permit,~~ Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter ~~and in those cases where a technical demonstration of unavoidable need or unavailability of~~

- ~~alternatives is required.~~ Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. Commercial telecommunication facilities shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
 - b. The Commission is the review authority for the facility.
 - ~~4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
 - ~~5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

35.44.020 - Noncommercial Telecommunications Facilities

A. Purpose and intent. This Section establishes the permit requirements and standards for the siting and development of noncommercial telecommunication facilities. The intent is to promote their orderly development and to ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources through the use of development standards that allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national, and international interests in services provided by the amateur radio community and the provision of these services shall be protected. However, this shall be balanced with local interests regarding public safety and welfare.

B. Applicability.

- 1. Affected facilities and equipment.** The provisions of this Section shall apply to all noncommercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., amateur radio stations, other noncommercial telecommunication signals).
- 2. Allowable zones and permit requirements.** Table 4-17-21 (Allowable Zones and Permit Requirements for Noncommercial Telecommunications Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to noncommercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the noncommercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-17-21 - Allowable Zones and Permit Requirements for Noncommercial Telecommunication Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Exempts Projects Receive-only satellite dish or wireless television antennas one meter or less in diameter. (1) (2)	All zones	None	None
Exempts Projects Inland area only —Amateur radio antennas, including support structure, where value is less than \$2,000.00. (1) (2)	All zones	None	35.44.020.D
Tier 1 Projects Receive-only satellite dish antennas or wireless television antennas greater than one meter but less than or equal to two meters in diameter. (1) (2)	All zones	Coastal Development Permit or Land Use Permit	35.44.020.D
Tier 1 Projects Amateur radio antennas, including support structure, 65 feet or less in height. (3) (4)	All zones	Coastal Development Permit or Land Use Permit	35.44.020.D
Tier 2 Projects Receive-only satellite dish antennas or wireless antennas greater than two meters in diameter. (1) (2)	All zones	Development Plan (5)	35.44.020.D
Tier 2 Projects Amateur radio antennas, including support structure, greater than 65 feet in height. (3) (4)	All zones	Development Plan (5)	35.44.020.D

Notes:

- (1) The antenna shall be used solely by the occupants of the lot on which the antenna is located.
- (2) The antenna may be located on the ground or attached to a structure.
- (3) Where the height of the antenna including the support structure is adjustable (e.g., a retractable, telescoping or tilt-over antenna), the height of the antenna with support structure shall be measured when it is at the lowest position, provided the antenna with support structure is maintained at the lowest position unless the associated antenna radio station is operating.
- (4) The amateur radio antenna shall be used in conjunction with a licensed amateur radio station, including Military Affiliated Radio Stations, operated principally by the occupant of the lot on which the amateur radio antenna and station is located.
- (5) The Director shall act as the review authority unless a public hearing is requested in compliance with Section 35.106 (Noticing and Public Hearings) in which case the Zoning Administrator shall be the review authority.

C. Processing. Permits for Tier 1 or Tier 2 noncommercial telecommunication facilities shall be approved in compliance with the requirements of Subsection D. through Subsection F. below, unless otherwise

specified.

D. Development standards.

1. ~~Coastal Zone and Inland area.~~ The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations.
 - a. **Access.** An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the lot that the antenna and support structure is located on. Where this access would be impeded, a minimum of three feet clearance shall be provided between the antenna support structure and another structure or other obstacle.
 - b. **Location on roofs.** Antenna support structures that are located on roofs shall be located on the portion of that structure that faces away from public viewing areas (e.g., public streets, parks) whenever feasible.
 - c. **Permit Requirements.** Required Building and Electrical Permits shall be obtained before erecting or operating the antenna support structure and associated antenna.
 - d. **Extension over neighboring property.** An antenna, regardless of height, shall be located to ensure that it does not extend over neighboring lot without the express written, notarized consent of the affected lot owner. If the affected lot changes ownership, the written, notarized consent shall be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the lot line. If the antenna support structure must be relocated, then a new ~~Coastal Development Permit or Land Use Permit or Zoning Clearance~~ in compliance with ~~Section 35.82.050 (Coastal Development Permits)~~, [Section 35.82.110 \(Land Use Permits\)](#); or [Section 35.82.210 \(Zoning Clearances\)](#) shall be obtained before relocation of the antenna support structure.
2. ~~Coastal Zone.~~ In the ~~Coastal Zone~~, noncommercial telecommunication facilities shall comply with the following additional development standards only to the extent that the requirements do not preclude amateur service communications and reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
 - a. ~~The visible support facilities shall be finished in nonreflective materials.~~
 - b. ~~The components of the facility shall be of a color that blends with the surrounding environment to the maximum extent feasible.~~
 - c. ~~If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.~~
 - d. ~~A facility shall not be located to silhouette against the sky if substantially visible from a state designated scenic highway or other public viewing area.~~
 - e. ~~Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed, or located behind earth berms in order to minimize their profile and minimize intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or manmade environment in a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).~~
 - f. ~~Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location or other alternative facility configuration that would avoid impacts to environmentally sensitive~~

~~habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.~~

32. Height limits and exceptions.

a. ~~Inland area.~~ ~~In the Inland area, a~~ Amateur radio antennas, including support structures, are limited to 100 feet in height.

(1) Amateur radio antennas, including support structures, may exceed 100 feet in height provided the review authority finds that an increased height is necessary in order to allow for the operational needs of the operator.

(2) In all cases the height of amateur radio antennas, including support structures, shall be in compliance with the requirements of [Section 35.28.060 \(Airport Approach \(F\) Overlay Zone\)](#).

b. ~~Coastal Zone.~~ ~~In the Coastal Zone, amateur radio antennas, including support structures, are limited to 50 feet in height except that this height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.~~

~~(1) Amateur radio antennas, including support structures, may exceed 75 feet in height provided the review authority finds that the increased height is necessary in order to allow for the operational needs of the operator.~~

~~(2) In all cases the height of amateur radio antennas, including support structures, shall be in compliance with the requirements of Section 35.28.060 (Airport Approach (F) Overlay Zone).~~

E. **Public notice.** Notice of the approval of any ~~Coastal Development Permit or~~ Land Use Permit or the pending decision of the Director on a Development Plan, or a public hearing on a Development Plan shall be given in compliance with Section 35.106 (Noticing and Public Hearings).

F. **Application requirements.** An application for a ~~Coastal Development Permit,~~ Conditional Use Permit, Development Plan or Land Use Permit to permit the development of a noncommercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

ARTICLE 35.5

Oil and Gas, Wind Energy and Cogeneration Facilities

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CHAPTER 35.50 - PURPOSE AND EFFECT OF ARTICLE

Sections:

[35.50.010 - Purpose and Intent](#)

[35.50.020 - Applicability](#)

35.50.010 - Purpose and Intent

- A. **Purpose.** It is the purpose of [Article 35.5 \(Oil and Gas, Wind Energy, and Cogeneration Facilities\)](#) to set forth regulations for oil and gas facilities, wind energy systems and cogeneration facilities that are allowed or conditionally allowed in applicable zones of this Code.

35.50.020 - Applicability

The various chapters in [Article 35.5 \(Article 35.5 \(Oil and Gas, Wind Energy, and Cogeneration Facilities\)\)](#) identify the types of oil and gas facilities, wind energy systems and cogeneration facilities that are allowed in the County within certain zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#); determine required types of planning permits and plans; and provide regulations for the operation of the oil and gas facilities, wind energy systems and cogeneration facilities.

Reserved

CHAPTER 35.51 - RESERVED

CHAPTER 35.52 - OIL AND GAS FACILITIES - ~~INLAND AREA~~

Sections:

- 35.52.010 - Purpose
- 35.52.020 - Voter Approval - Facilities on South Coast That Support Offshore Oil and Gas Activities
- 35.52.030 - Definitions
- 35.52.040 - Allowed Uses and Permit/Plan Requirements
- 35.52.050 - Oil Drilling and Production
- 35.52.060 - Treatment and Processing Facilities
- 35.52.070 - Refining
- 35.52.080 - Oil and Gas Pipelines - ~~Inland area~~

35.52.010 - Purpose

This Chapter identifies the types of oil and gas facilities that are allowed ~~within the Inland Area~~ within certain zones established by [Section 35.14.020 \(Zoning Map and Zones\)](#); determines required types of permits and plans; and provides regulations for the operation of the oil and gas facilities.

35.52.020 - Voter Approval - Facilities on South Coast That Support Offshore Oil and Gas Activities

- A. Projects and facilities subject to voter approval.** Any legislative approvals (e.g., zoning amendment, Comprehensive Plan amendment, ~~Coastal Land Use Plan Amendment~~, Development Plan, or other legislative action) which would authorize or allow the development, construction, installation, or expansion of an onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election. For the purposes of this Chapter, the term "onshore support facility" means a land use, installation, or activity proposed to effectuate or support the exploration, development, production, or storage, processing, or other activities related to offshore energy resources.
- B. Excluded projects and facilities.** The voter approval requirement set forth in Subsection A. above, shall not apply to onshore pipeline projects or to onshore support facilities that are located entirely within an existing approved consolidated oil and gas processing site at Las Flores Canyon (designated as of June 13, 1995 as APN 081-220-14, 081-230-19) or the former consolidated oil and gas processing site at Gaviota (designated as of June 13, 1995 as APN 081-130-07, 081-130-52, 081-130-53).
- C. Expiration.** The terms, policies, and zoning amendments identified in this Section shall expire at the end of 25 years after September 20, 1996 unless extended by the Board or by another vote of the electorate.
- D. Administrative Guidelines.** See Appendix B - Administrative Guidelines for Implementing Measure A96 -Voter Approval Initiative.

35.52.030 - Definitions

Unless otherwise defined within this Chapter, the definitions of energy and petroleum related terms shall be those identified in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-3 (Definitions).

35.52.040 - Allowed Uses and Permit/Plan Requirements

- A. Types of allowed energy facility uses and zones where allowed.** Table 5-2-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities ~~in the Inland Area~~) identifies the types of oil and gas facilities that are allowed ~~in the Inland Area~~ and the zones in which they are allowed. The "Use" column in the table provides references to specific code sections that further describe and define the uses. The "Permit Required by Zone" column indicates the zones in which oil and gas facilities are allowed.

B. Permit and plan requirements. In addition, Table 5-2-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area) identifies the permit requirements and the plan requirements for oil and gas facility uses in the Inland Area. Proposed oil and gas facilities shall comply with the permit requirements and plan requirements, in addition to other permits required by the County Code. Table 5-2-1 provides for energy facility uses that are:

1. Permitted subject to compliance with all applicable provisions of this Development Code, subject to first obtaining a Land Use Permit Section 35.82.110 (Land Use Permits). These are shown as "P" uses in the table.
2. Allowed subject to the approval of a Conditional Use Permit Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and shown as "CUP" uses in the table.
3. Allowed subject to the approval of an Oil Drilling and Production Plan or a Final Development Plan, and shown as specific Section names and Section numbers in the "Required Plan" column in the table.
4. Not allowed in particular zones and shown as "—" in the table.
5. Allowed subject to specific development standards and other requirements included in the Section number included in the "Specific Use Regulations" column in the table.

TABLE 5-2-1 Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area		PERMIT REQUIRED BY ZONE											Specific Use Regulations
		AG-I	AG-II	RES	RR	C-2	C-3	REC	M-1	M-2	M-RP	M-CR	
Drilling and Production of Onshore Oil and Gas Reservoirs	CUP	P (2)(3)(4)	CUP	CUP	CUP	CUP	CUP (5)	CUP	P (2)(3)(4)	CUP	P (2)(3)(4)	35.52.050	
Treatment and Processing Facilities	CUP (6)(7)	CUP (6)(7)	—	—	—	—	—	—	P (6)	—	P (6)	35.52.060	
Refining	—	—	—	—	—	—	—	—	P (6)(8)(9)	—	—	35.52.070	
Oil and Gas Pipelines	Allowed in all zones identified in Article 35.2 (Zones and Allowable Land Uses) P(6)											35.52.080	

Notes:

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

35.52.050 - Oil Drilling and Production

This Section describes oil drilling and production uses ~~in the Inland Area~~ that are subject to regulation and provides standards for their location and operation.

- A. Applicability.** The regulations contained within this Section shall apply to equipment, structures, and appurtenances necessary for the exploration and production of oil and gas resources from an onshore area including:
1. The drilling of a new well.
 2. Facilities for the new production of oil and gas from a well.
 3. Reentering a previously abandoned well for the production of oil and gas.
 4. Structures, equipment, or facilities necessary and incidental to the separation of oil, gas, and water obtained from an onshore area (e.g., oil and gas separation plant).
 5. Injection wells and incidental equipment necessary for enhanced oil recovery or disposal of production wastes including equipment and facilities necessary for waterflooding, steam injection, air injection, carbon dioxide injection, or introduction of polymers or other agents.
 6. Pipelines that are incidental to production operations.
 7. Storage tanks necessary or incidental to oil and gas separation, or temporary storage of separated hydrocarbons, and equipment for transfer of the produced hydrocarbons to pipelines or tanker trucks.
 8. Proposed access roads.
 9. Oil spill containment and recovery equipment including central office space and vehicles for the storage of floating air/water separators, pumps, generators, hosing, assorted absorbent materials, steam cleaners, storage tanks, and other land and wildlife cleanup equipment.
 10. Collocated treatment and processing facilities located on the drill site in AG-II, M-2 and M-CR, zones determined by the Commission to be incidental to proposed production operations.
 11. Hydraulic fracturing of any new or existing well.
- B. Development standards for oil and gas drilling and production.**
1. **Standards applicable to all drilling and production.** The following standards shall apply to all projects:
 - a. **Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the applicable zones in which oil and gas drilling and production are allowed, shall not apply to the oil and gas drilling and production activities and uses. See [Table 5-2-1 \(Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities ~~in the Inland Area~~\)](#) above.
 - b. **Setbacks.** In addition to the well spacing and setback requirements of County Code Chapter 25 (Petroleum Code), Section 25-21 (Spacing and location), oil or gas drilling or related facilities shall not be allowed within 500 feet of an occupied residence within a residential or commercial zone.
 - c. **Maximum site size.** In order to minimize the area disturbed for drilling, the drill site shall not exceed one acre in size unless review authority finds that additional area is necessary.
 - d. **Consolidation or collocation.** Oil and gas production and related facilities shall be consolidated or collocated to the maximum extent feasible in order to minimize the area of disturbance.
 - e. **Grading.** Grading and alteration of natural drainage patterns shall be minimized to preserve

- the natural contour of the lands.
- f. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
 - g. **Noise.** Drilling or production operations that are within or adjacent to a lot zoned residential or commercial shall not exceed a maximum daytime noise level of 65 dB(A) and shall not be conducted between the hours of 9 p.m. and 7 a.m. of the next day, unless noise generating facilities are sufficiently insulated to reduce the outside night time level to 50 dB(A) at or beyond the project property boundary.
 - h. **Noise sensitive locations.** Production facilities shall be designed and housed to ensure the noise generated by the facilities as measured at any noise sensitive location shall be equal to or below the existing noise level of the that noise sensitive location. Measures to reduce adverse impacts (due to noise, vibration, etc.) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Noise Element of the Comprehensive Plan (e.g., use of electrical hydraulic surface pumping units).
 - i. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. upon streets within a residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff, Fire Department, or Petroleum Administrator. This regulation shall go into effect and apply to streets and parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil and gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.
 - j. **Screening from designated scenic highway.** Production equipment and facilities shall be recessed, covered, or otherwise screened from view from a designated Scenic Highway that is indicated on the Scenic Highway Element Map (GP-23).
 - k. **Odors.** Noxious odors associated with the project shall not be detectible at the project property boundary.
 - l. **Abandonment.** In addition to the requirements for abandonment and removal of equipment in County Code Chapter 25 (Petroleum Code) Sections 25-31 (Well abandonment and lease reclamation procedure) and 25-32 (Removal of drilling and service equipment), the site upon well abandonment shall be recontoured, reseeded, and landscaped to approximate original conditions or other conditions recommended by the applicant or property owner and approved by review authority. The Department shall determine compliance with this provision.
2. **Additional standards applicable to production operations.** In addition, the following development standards may be applied to production operations to the extent deemed necessary by the review authority:
- a. **Screening and landscaping.** Following drilling and testing of the reservoir, production equipment and facilities shall be recessed, covered, or otherwise screened from view. Trees or shrubbery shall be planted and maintained to develop attractive landscaping and to screen the site and production equipment, structures, tanks, and facilities on the site from public view, unless the equipment, structures, tanks, and facilities are screened from public view by reason of an isolated location, existing trees or shrubbery, intervening surface contours, or a wall constructed as required in this Subsection.
 - b. **Prevention of access.** The site shall be enclosed with an adequate noncombustible type fence, wall, screen, or housing sufficient to prevent unauthorized access to the site and having a height of at least six feet, unless public access is prevented by reason of an isolated location.

- c. **Monitoring system.** A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.
 - d. **Exterior color.** Permanent structures and equipment shall be painted a neutral color in order to ensure they blend in with natural surroundings.
- C. Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan.** Only a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required for oil and gas drilling that meets all of the criteria and standards listed below. See Subsection [35.53.030.D](#) (Alternative filing requirements for Land Use Permit applications) below. For oil and gas drilling projects that do not meet the listed criteria, approval of an Oil Drilling and Production Plan shall be required. Development or land uses authorized through a Land Use Permit or Oil Drilling and Production Plan shall be established only as approved by the review authority and in compliance with the project description and any conditions of approval, except where a change to the project is approved pursuant to [Section 35.84.040](#) of this Code.
- 1. Location.**
 - a. The project is located on AG-II, M-2, or M-CR zoned property.
 - b. The project is located within a State designated oil field.
 - c. The project is located not closer than 100 feet to the top of the bank of a watercourse (shown as intermittent or perennial on U.S.G.S. 7.5 minute series topographic maps) or 200 feet from the top of the bank of the Santa Ynez, Santa Maria, Sisquoc, or Cuyama River.
 - d. The project is located not closer than 1,000 feet to a zone other than AG-II, M-2, or M-CR.
 - e. The project is not located on mapped historical or archaeological sites as maintained by the Department or identified during a site visit.
 - f. The project is not located within a Scenic Highway corridor as designated on the Scenic Highway Element Map (GP-23).
 - g. The project, if over one-half acre in site size, is not located on prime agricultural lands. However, if a drilling site of a project is less than one-half acre in size and the land is classified as prime agricultural land, the project may exceed the site size during the period of drilling operations but in no case for longer than 90 days. After drilling is complete, the site shall be restored for agricultural use. For the purposes of this provision, prime agricultural land shall mean land having a soil capability classification of I or II.
 - 2. Uses not proposed.**
 - a. Treatment or processing facilities are not proposed.
 - b. Water flooding or steam injection using fresh groundwater for enhanced oil recovery is not proposed.
 - c. Hydraulic fracturing.
 - 3. Resource conservation.**
 - a. The project shall not disturb mapped locations of rare or endangered, unusual or delicate habitats, prime examples of ecological communities, or scientific study areas, as maintained by the Department or identified during a site visit.
 - b. The project shall not cause disruption to mapped historical or archaeological sites as maintained by the Department or identified during a site visit.
 - 4. No other significant impacts.** The project shall not result in other potentially significant adverse impacts as determined by the Director.

35.52.060 - Treatment and Processing Facilities

This Section describes treatment and processing facilities and uses ~~in the Inland area~~ that are subject to regulation and provides standards for their location and operation.

A. Applicability. The requirements of this Section shall apply to structures, equipment, or facilities necessary and incidental to:

1. Separation and/or dehydration of oil, gas, and water obtained from an offshore area.
2. Treatment and/or processing plants, excluding those described under [Section 35.52.050 \(Oil Drilling and Production\)](#) above.

For the regulations listed under Subsection [35.55.040.B](#) (Treatment and Processing Facilities - Findings for Development Plans approval within the South Coast Consolidated Planning Area) below, the terms "new production" or "new oil and gas production" or "new gas production" refer to:

3. The development of oil and/or gas that, after June 10, 1988, requires new discretionary local, State, or Federal permits unless it is from an existing well or platform; or
4. The development of oil and/or gas that, after June 10, 1988, requires approval of a new platform, or a new subsea or onshore well completion.

An operator who claims that a constitutionally protected vested right exists within the scope of existing permits to process new production at a facility that is not at a County designated consolidated site may apply to the Commission for a determination of exemption to allow processing of that production at the nonconsolidated site.

The request shall be accompanied by evidentiary support reasonably available at the time of filing. The Commission shall hold a hearing on the request within 60 days of filing. The Commission shall determine the scope of the applicant's existing permits and whether the applicant, by obtaining and relying on the permits before adoption of these policies, has acquired, under California law, a vested right to process new production at a facility other than a County designated consolidated site.

The Commission may continue the hearing either with the consent of the applicant and the Department, or to allow or require the applicant or the Department to submit additional evidence or legal analysis. More than 90 days total continuance shall not be granted unless the parties consent or the Commission finds that additional evidence is needed because a decision cannot feasibly be presented within the allotted time. The Commission shall decide the matter within 30 days after the evidence and analysis has been submitted.

The applicant shall reimburse the County for all reasonable costs incurred in determining the claim of exemption.

B. Development standards. In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zone in which treatment and processing facilities are allowed, the following standards shall apply.

1. **Noise.** The level of noise generated by the facility at or beyond the property boundary shall not exceed 70 dB(A).
2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular operator.
4. **Grading.** Grading and alteration of natural drainages shall be minimized.
5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.

7. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within a residential neighborhood. This prohibition shall not apply in an emergency as determined by the County Sheriff, Fire Department, or Petroleum Administrator. This regulation shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil or gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.
8. **Noxious odors.** Noxious odors associated with the facilities shall not be detectable at the property boundary.
9. **Equitable, nondiscriminatory access to consolidated facilities.** Within the South Coast Consolidation Planning Area, operators and owners of County designated consolidated facilities and sites shall make their facilities and property available for commingled processing and consolidation of oil and gas facilities on an equitable and nondiscriminatory basis. If existing processing capacity is insufficient to accommodate proposed production and necessary new facilities are not allowed in compliance with the County's consolidated policies, operators of consolidated facilities shall reduce throughput on a pro-rata basis to accommodate other developers.
10. **Transportation of processed oil.**
 - a. **Overland pipeline transport.** Oil processed by facilities that receive oil from offshore fields exclusively or from both offshore and onshore fields shall be transported from the facility and the County to the final refining destination by overland pipeline, except in the case of highly viscous oil or during an emergency, as stipulated below. For the purposes of this Subsection, final refining destination shall mean a refinery in California where final refining of the subject oil into products is accomplished. In addition, oil shall be considered to reach its final refining destination if the oil has been:
 - (1) Transported out of the State of California, and does not reenter before final refining; or
 - (2) Transferred to truck or train after leaving the County by pipeline and does not re-enter the County by truck or train, and is not transferred to a marine terminal vessel for further shipment to a port in California before final refining.
 - b. **Other transportation methods.** Transportation by a mode other than pipeline may be allowed only:
 - (1) For that fraction of the oil that cannot feasibly be transported by pipeline; and
 - (2) When the environmental impacts of the alternative transportation mode are required to be mitigated to the maximum extent feasible.In all cases, the burden of proof as to the infeasibility of transport by pipeline and the need for alternative transportation modes shall be on the shipper.
 - c. **Highway or rail transport of highly viscous oil.** A Development Plan may allow transportation of highly viscous oil by highway or rail only if the Director finds that the oil is so highly viscous that pipeline transport is infeasible, taking into account available options (e.g., modifications to existing pipelines, blending of natural gas liquids). This finding shall be in addition to findings required for approval of Development Plans in Subsection [35.82.080.E](#) (Findings required for approval), [Section 35.55.040](#) ([Treatment and Processing Facilities - Findings for Development Plans](#)).
 - d. **Emergency temporary transport by waterborne vessel.** Temporary transport of oil by waterborne vessel may be authorized under an Emergency Permit if the Governor of the State of California declares a state of emergency in compliance with Public Resources Code Section 30262(a)(8) for an emergency that disrupts the pipeline transportation of oil produced

offshore of the County. In this case, the oil transported by waterborne vessel shall be limited to that fraction that cannot feasibly be transported by pipeline. Transport by waterborne vessel shall cease immediately when it becomes technically feasible to resume pipeline transport.

11. **Additional standards if deemed necessary by Commission.** In addition, the following development standards shall be applied to the extent deemed necessary by the Commission.
 - a. **Visual compatibility.** The installation shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained, and camouflage and/or blending colors.
 - b. **Monitoring system.** A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, shall be required as a condition of approval.
12. **Facility and site abandonment within the South Coast Consolidation Planning Area.** The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic mean) over any 12 consecutive months, does not exceed three percent of the facility's maximum permitted operating capacity. The review shall be conducted in a duly noticed public hearing to determine if facility abandonment or facility modifications are appropriate.

35.52.070 - Refining

This Section describes refining facilities and uses ~~in the Inland area~~ that are subject to regulation and provides standards for their location and operation.

- A. **Applicability.** The regulations of this Section shall apply to structures, equipment, or facilities necessary and incidental to the refining of oil.
- B. **Development standards.** In addition to the regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#) for the applicable zones in which refining is allowed, the following standards shall apply.
 1. **Compatibility with surroundings.** The facilities shall be visually compatible with the existing and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.
 2. **Outdoor lighting.** Lights shall be shielded to ensure that lighting is confined to the project site.
 3. **Visible gas flares.** Visible gas flares shall not be allowed except for emergency purposes unless deemed infeasible for a particular situation.
 4. **Grading.** Grading and alteration of natural drainages shall be minimized.
 5. **Erosion.** Adequate provisions shall be made to prevent erosion and flood damage.
 6. **Prevention of access.** The site shall be enclosed with a fence or wall to prevent unauthorized access.
 7. **Monitoring system.** A monitoring system to measure off-site impacts, including noise, vibration, odor, and air or water quality degradation, may be required as a condition of approval.
 8. **Noxious odors.** Noxious odors associated with the facility shall not be detectable at the property boundary.
 9. **Truck operation hours and routes.** It shall be prohibited to operate trucks exceeding one and a half tons for use in oil and gas operations between the hours of 9 p.m. and 7 a.m. of the next day upon streets within residential neighborhoods. This prohibition shall not apply in an emergency as determined by the County Sheriff or Fire Department or Petroleum Administrator. This regulation

shall go into effect and shall apply to streets or parts of streets only after signs giving notice of the prohibition are posted at entrances to the affected streets or parts of streets. Truck routes shall be reviewed for proposed oil or gas facilities to ensure that oil field support traffic is not routed through residential neighborhoods, unless alternative routes do not exist.

35.52.080 - Oil and Gas Pipelines—~~Inland area~~

This Section describes oil and gas pipelines ~~in the Inland Area~~ that are subject to regulation and provides standards for their location and operation.

A. Applicability.

1. The regulations contained within this Section shall apply to:
 - a. Oil transmission and distribution pipelines.
 - b. Gas transmission and distribution lines excluding public utility gas lines less than 12 inches in diameter.
 - c. Wastewater pipelines excluding those that are incidental to and located within an onshore oil production lease area.
 - d. Pipelines associated with offshore oil and gas production.
 - e. Facilities related to the above pipelines (e.g., pumping stations).
2. This Section shall not apply to pipelines that are incidental to oil and gas production operations covered by regulations in [Section 35.52.050 \(Oil Drilling and Production\)](#).

B. Development standards.

1. **Standards applicable to pipeline operations.** The following standards shall apply to pipeline projects:
 - a. **Zone regulations not applicable.** The regulations in [Article 35.2 \(Zones and Allowable Land Uses\)](#), for the applicable zones in which oil and gas pipelines are allowed, shall not apply to the oil and gas pipelines. See [Table 5-2-1 \(Allowed Uses and Permit/Plan Requirements for Energy Facilities in the Oil and Gas Facilities Area\)](#) above.
 - b. **Delivery hours.** Except in an emergency, materials, equipment, tools, or pipes shall not be delivered to or removed from a pipeline construction site through streets within a residential zone between the hours of 9 p.m. and 7 a.m. of the next day.
 - c. **Post-installation requirements.** After completion of back filling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an appropriate disposal site.
 - d. **Drainage.** During construction of the pipeline, there shall not be permanent blocking of surface drainages.
 - e. **Location of pipeline corridor.** A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., aquatic habitats, and archaeological areas) to the maximum extent feasible.
 - f. **Spills.** Where pipeline segments carrying hydrocarbon liquids pass through sensitive resource areas (e.g., aquatic habitats) as identified by the project environmental review, provisions identified in the environmental review shall be applied to minimize the amount of liquids released in the sensitive areas in the event of a spill. The potential for damage in those areas shall be minimized by considering spill volumes, duration, and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and cleanup (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.

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- g. Burial within corridor.** Permits for new pipeline construction shall require engineering of pipe placement and burial within a corridor to minimize incremental widening of the corridor during subsequent pipeline projects, unless the proposed route is determined to be unacceptable for additional pipelines.
- 2. Additional development standards as deemed necessary by Commission.** In addition, the following standards may be applied to the extent deemed necessary by the Commission:
- a. Performance security.** A performance security shall be provided in an amount sufficient to ensure completion of requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion.
- b. Inspection of disturbed areas.** Disturbed areas shall be jointly inspected by the applicant and staff 12 months after completion of construction to assess the effectiveness of the revegetation and restoration program. This inspection shall continue on an annual basis to monitor progress in returning the site to pre-construction conditions or until additional monitoring is not deemed necessary by the Department. Inspection results shall be submitted annually to the Department, and additional treatment of the site shall be applied as deemed necessary by the Department.
- c. Visual compatibility.** Above-ground sections of the pipeline and related facilities, excepting those installed on a temporary basis for a testing period not to exceed 12 months, shall be visually compatible with the present and anticipated surroundings by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.
- d. Noise.** Proposed facilities shall be designed and housed so that the noise generated by the facilities as measured at the property boundaries shall be equal to or below the existing noise level of the surrounding area except under temporary testing or emergency situations. Measures to reduce adverse impacts (e.g., due to noise, vibration) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in the Comprehensive Plan.

CHAPTER 35.53 - PERMIT REQUIREMENTS AND PLAN APPLICATIONS, PROCESSING, AND REVIEW

Sections:

- 35.53.010 - Purpose
- 35.53.020 - Applicability
- 35.53.030 - Filing Requirements for Permit, Development Plan, and Specific Plan Applications
- 35.53.040 - Application Filing, Processing, and Review for Oil Drilling and Production Plans
(~~Inland Area~~) and ~~Exploration Plans and Production Plans (Coastal Zone)~~
- 35.53.050 - Notice of Decision
- 35.53.060 - Conditions, Restrictions, and Modifications under Approved Plans
- 35.53.070 - Post-Review Procedures
- 35.53.080 - Requirements Prior to Commencement of Development Authorized by a Final
Development Plan or Oil Drilling and Production Plan

35.53.010 - Purpose

A. Purpose. The purpose of this Chapter is to:

1. Provide filing requirements and procedures for the discretionary review of:
 - ~~a. Exploration Plans and Production Plans – Coastal Zone.~~ Exploration Plans for oil and gas drilling and Production Plans for production facilities that may, because of scale or location of development, have a potential to significantly impact natural resources or public health or safety, or if located in the Coastal Zone, have the potential to significantly impact coastal resources and public health and safety.
 - ba. Oil Drilling and Production Plans – Inland Area.** Oil Drilling and Production Plans for oil and gas drilling and/or production facilities that may, because of scale or location of development, have a potential to significantly impact natural resources or public health and safety for properties located within the Inland Area.
2. Provide additional or alternative filing requirements for Development Plans, Specific Plans, and Land Use Permits for certain types of development regulated under [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).

B. Intent. The intent of the requirements in this Chapter for the filing, processing, and review of Exploration Plans, Production Plans, and Oil Drilling and Production Plans and for the additional or alternative filing requirements for Development Plans, Specific Plans, and Land Use Permits is to ensure that impacts on natural resources from oil and gas drilling and production activities shall be minimized to the maximum extent feasible.

35.53.020 - Applicability

- A. ~~Applicability of Development Plans (Coastal Zone and Inland Area).~~ Development Plans shall be required in compliance with ~~Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone), Table 5-2-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Inland Area), and Table 5-3-2 (Allowed Uses and Permit/Plan Requirements for Wind Energy Facilities in the Inland Area).~~
 1. **Plan approval required before issuance of permits.** A Development Plan shall be approved in compliance with the procedures in [Section 35.82.080 \(Development Plans\)](#) and with the additional filing requirements of ~~Subsection 35.53.030.A (Additional filing requirements for Development Plan applications – Coastal Zone) or Subsection 35.53.030.B (Additional filing requirements for~~

Development Plan applications—~~Inland Area~~) before issuance of a ~~Coastal Development Permit~~, a Land Use Permit, or other permits for development, including grading regulated under [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).

2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Development Plan shall be entitled to a ~~Coastal Development Permit~~ or a Land Use Permit for facilities and activities related the exploration and production of oil and gas.

B. Applicability of Oil Drilling and Production Plans—~~Inland area~~. Oil Drilling and Production Plans shall be required in compliance with Table 5-2-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities ~~in the Inland Area~~).

1. **Plan approval required before issuance of permits.** An Oil Drilling and Production Plan shall be approved in compliance with the procedures in [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \(Inland Area\) and Exploration Plans and Production Plans \(Coastal Zone\)\)](#) before issuance of a Land Use Permit or other permits for oil and gas facilities development, including grading, ~~in the Inland area~~.
2. **Property location required within boundaries of approved plan.** Only property included within the boundaries of an approved Oil Drilling and Production Plan shall be entitled to a Land Use Permit for facilities and activities for the exploration and production of oil and gas.

~~C. Applicability of Exploration Plans and Production Plans (Coastal Zone).~~ Exploration Plans and Production Plans shall be required in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone).

- ~~1. Plan approval required before issuance of permits.~~ An Exploration Plan or a Production Plan shall be approved in compliance with the procedures in [Section 35.53.040 \(Application Filing, Processing, and Review for Oil Drilling and Production Plans \(Inland Area\) and Exploration Plans and Production Plans \(Coastal Zone\)\)](#) before issuance of a Coastal Development Permit or other permits for oil and gas facilities development, including grading, in the Coastal Zone.
- ~~2. Property location required within boundaries of approved plan.~~ Only property included within the boundaries of an approved Exploration Plan or Production Plan shall be entitled to a Coastal Development Permit for facilities and activities for the exploration and production of oil and gas.

DC. Review authority. The review authority for Development Plans, Exploration Plans, Production Plans, and Oil Drilling and Production Plans is identified in Table [78-1 \(Review Authority\)](#).

35.53.030 - Filing Requirements for Permit, Development Plan, and Specific Plan Applications

~~A. Additional filing requirements for Development Plan applications—Coastal Zone.~~ In addition to the other information required in [Section 35.82.080 \(Development Plans\)](#), the following information shall be filed with a Preliminary or Final Development Plan application for the uses indicated:

- ~~1. Onshore processing facilities necessary or related to offshore oil and gas development.~~
 - ~~a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.~~
 - ~~b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion.~~
- ~~2. Consolidated Pipeline Terminals.~~
 - ~~a. An updated emergency response plan to deal with potential consequences and actions to be~~

~~taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.~~

- ~~b. An estimated timetable for project construction, operation, and abandonment, including all phases of planned development.~~

3. Oil and gas pipelines.

- ~~a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and the Fire Department.~~

- ~~b. A survey of the pipeline corridor to identify the potential impacts on Coastal resources. The survey shall be conducted by a consultant approved by the County, the Department of Fish and Game, and the applicant.~~

- ~~c. If it is determined by the survey that a portion of the pipeline corridor to be disturbed will not re-vegetate naturally or in sufficient time to avoid other damage (e.g., erosion), a revegetation or restoration plan shall be prepared. The plan shall also include provisions for restoration of habitats that will be disturbed by construction or operational procedures.~~

4. Marine Terminals.

- ~~a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.~~

- ~~b. A phasing plan for the staging of development which includes an estimated timetable for project construction, operation, and abandonment, as well as location and amount of land reserved for future expansion.~~

BA. Additional filing requirements for Development Plan applications—~~Inland area.~~ In addition to the other information required in [Section 35.82.080 \(Development Plans\)](#), the following information shall be filed with a Preliminary or Final Development Plan application for the uses indicated:

1. Treatment and processing facilities addressed in [Section 35.52.060](#).

- a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.
- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.

2. Refining.

- a. An updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department.
- b. A phasing plan for the staging of development that includes the estimated timetable for project construction, operation, and completion, as well as location and amount of land reserved for future expansion.

CB. Alternative filing requirements for Development Plan applications—~~Inland area.~~ For pipeline construction in the ~~Inland Area~~, the following information, in place of that listed in [Section 35.82.080 \(Development Plans\)](#), shall be filed with a Preliminary or Final Development Plan application:

1. A brief statement of the proposed project.
2. A site plan showing:

- a. Property, easement, and pipeline right-of-way boundaries.
 - b. Proposed road construction or modification.
 - c. Area to be used for construction.
 - d. Area to be used for access and maintenance during pipeline operation.
 - e. Existing roads, water courses, and pipelines within the pipeline right-of-way.
 - f. Location and type of existing and proposed structures within 50 feet of the pipeline right-of-way.
 - g. Proposed alteration of surface drainages.
3. A contour map showing existing and proposed contours.
 4. Measures to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, vibration) and to prevent danger to life and property.
 5. A revegetation and site restoration plan shall be prepared by the applicant that includes provisions for restoration of biologically important habitats that shall be disturbed by construction or operational procedures. This plan will be subject to approval by the Department during project review.
 6. Other reasonable information as deemed necessary by the Department.
 7. In addition, for oil and gas pipelines, an updated emergency response plan to deal with potential consequences and actions to be taken in the event of hydrocarbon leaks or fires shall be submitted. The emergency response plan shall be approved by the County's Emergency Services Coordinator and Fire Department unless the plan has received previous approval by the Public Utilities Commission.

~~DC.~~ Alternative filing requirements for Land Use Permit application—~~Inland Area.~~ When applying for a Land Use Permit for oil drilling and production ~~in the Inland area~~ that meets the criteria noted in [Subsection 35.52.050.C](#) (Criteria and standards for exemption of oil/gas drilling projects from approval of Oil Drilling and Production Plan), the application submittal requirements in [Section 35.82.110 \(Land Use Permits\)](#) shall be inapplicable and only the following information shall be required as part of the Land Use Permit application.

1. Assessors Parcel Number.
2. Name of the State Department of Oil and Gas designated oil field within which the project is located, if any.
3. The type of facilities proposed, including any enhanced oil recovery facilities.
4. A U.S.G.S. map (7.5 minute series topographic) or facsimile showing the facility site, lease boundaries, proposed roads and pipelines.
5. A plot plan, drawn to scale, showing the facility site, property lines, proposed access roads, and water courses within 200 feet of the site.
6. Photographs of the site.
7. Other reasonable information as deemed necessary by the Department.

~~E.~~ Additional filing requirements for specific plan applications—~~Supply Bases.~~ ~~In addition to an approved Final Development Plan and a Coastal Development Permit in compliance with Table 5-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities in the Coastal Zone), supply bases shall also be subject to an approved specific plan as provided in Chapter 35.88 (Specific Plans). In addition to the other information required under Chapter 35.88 (Specific Plans), the following shall be filed with a Supply Base Specific Plan Application:~~

1. ~~Purpose and need for the project, including a description of the service area.~~
2. ~~Applicable County Coastal Plan goals and policies and project compatibility, including mitigation measures and provisions for resource protection.~~
3. ~~Consistency with and relationship to local, State, and Federal regulations and coordination with government agencies.~~
4. ~~Circulation plan and transportation analysis.~~
5. ~~Open Space and Coastal Access plan.~~
6. ~~Phasing plan, including abandonment.~~
7. ~~Description of public services/utilities, including mitigation of identified constraints.~~
8. ~~Socioeconomic data, including proposed employment and generation of expenditures.~~
9. ~~Description of facilities screening from public viewing places and buffering from adjacent land uses.~~
10. ~~Description of safety features.~~
11. ~~Air quality data, including emissions inventory and offsets.~~
12. ~~Identification of site constraints due to biological, geological, and cultural resources and similar factors.~~
13. ~~Identification of recreation resources and mitigation of potential impacts.~~
14. ~~Description of proposed operating policies that ensure the facilities shall be open to all potential users on fair and equitable terms.~~

35.53.040 - Application Filing, Processing, and Review for Oil Drilling and Production Plans (Inland Area) and Exploration Plans and Production Plans (Coastal Zone)

- A. Filing of applications.** The following plans shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#):
1. ~~Oil Drilling and Production Plans (Inland area).~~
 2. ~~Exploration Plans (Coastal Zone).~~
 3. ~~Production Plans (Coastal Zone).~~
- B. Contents of applications.** Applications for each type of plan shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department applications for Oil Drilling and Production Plans, ~~Exploration Plans, and Production Plans~~. It is the responsibility of the applicant to establish evidence in support of the findings required by ~~Chapter 35.54 (Findings for Oil and Gas Facilities - Coastal Zone)~~ and [Chapter 35.55 \(Findings for Oil and Gas Facilities - Inland Area\)](#).
- C. Processing of Oil Drilling and Production Plans ~~- Inland area.~~**
1. The applicant may apply for:
 - a. The drilling operations only;
 - b. The production facilities only; or
 - c. Both the drilling and production facilities.
 2. After receipt of the Oil Drilling and Production Plan, the Department shall process the plan through environmental review.

3. The Department shall refer the Oil Drilling and Production Plan to appropriate County departments for review and comment.
4. The Commission shall consider the Oil Drilling and Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan.
5. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
6. The action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
7. If the Oil Drilling and Production Plan is filed in conjunction with a Conditional Use Permit application, the Oil Drilling and Production Plan shall be processed as part of the Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

~~D. Processing of Exploration Plans and Production Plans – Coastal Zone.~~

- ~~1. After receipt of the Exploration Plan or the Production Plan, the Department shall process the plan through environmental review. The exemption from environmental review in County Code Chapter 25 (Oil and Petroleum Wells), Section 25-4(e) (Permits generally – Discretionary and ministerial) shall not apply to properties located within the Coastal Zone.~~
- ~~2. The Department shall refer the Exploration Plan or the Production Plan to the Subdivision/Development Review Committee for review and the Subdivision/Development Review Committee shall consider the plan and make their recommendations to the Commission. The referral of the Production Plan shall take place only after certification of the final environmental document for the project subject to the Production Plan.~~
- ~~3. The Commission shall then consider the Exploration Plan or Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan.~~
- ~~4. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
- ~~5. The action of the Commission is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~6. If the Exploration Plan or Production Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Exploration Plan in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).~~
- ~~7. The Director may approve minor changes to an approved Exploration Plan or Production Plan, provided the changes do not allow additional wells to be drilled or allow an increase in the lease production capacity by more than 10 percent. Substantial changes to an Exploration Plan or a Production Plan shall be processed in the same manner as the original plan, except as provided for under Subsection 35.82.050.H (Coastal Commission changes to the County's action on Coastal Development Permits). When approved by the Commission, the revised Exploration Plan or Production Plan shall automatically supersede any previously approved plan.~~

35.53.050 - Notice of Decision

Following appropriate review, the Commission, or the Board on appeal, shall record the decision in writing with the findings on which the decision is based. The decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

35.53.060 - Conditions, Restrictions, and Modifications under Approved Plans

A. Modifications of development standards under an approved Oil Drilling and Production Plan

(Inland area).

1. At the time an Oil Drilling and Production Plan is approved, the Commission may modify the development standards specified in [Subsection 35.52.050.B](#) (Development standards for oil and gas drilling and production), when the Commission first finds that the modification is justified.
2. As a condition of approval of any Oil Drilling or Production Plan, the Commission may impose appropriate conditions as deemed reasonable and necessary to protect persons or property, to preserve the natural resources or scenic quality of the area, to preserve the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code and/or the Comprehensive Plan.
3. If drilling only is requested in the Oil Drilling and Production Plan, the following time limits shall apply:
 - a. If the drilling program is successful, a new Oil Drilling and Production Plan for the production phase shall be submitted within 12 months of initiating site preparation for the drilling. A time extension may be granted by the Commission for good cause shown.
 - b. If the drilling program is unsuccessful, the well shall undergo plugging and abandonment and the Department shall be notified of the plugging and abandonment within 12 months of initiating site preparation for the drilling. A time extension may be granted by the Commission for good cause shown.

~~B. Modifications of development standards under an approved Exploration Plan (Coastal Zone).~~

- ~~1. At the time an Exploration Plan is approved, the Commission may modify the development standards specified in Subsection 35.51.050.B (Development standards) and Subsection 35.51.110.B (Development standards for exploration activities) where necessary or appropriate to permit drilling in compliance with the approved plan.~~
- ~~2. As a condition of approval of an Exploration Plan, the Commission may impose appropriate conditions deemed reasonable and necessary or require any redesign of the project as deemed necessary to protect persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code.~~

~~C. Modifications of development standards under an approved Production Plan (Coastal Zone).~~

- ~~1. At the time a Production Plan is approved, the Commission may modify the development standards specified Subsection 35.51.060.B (Development standards) and Subsection 35.51.110.B (Development standards for exploration activities) where necessary or appropriate to permit oil and gas development and production in compliance with the approved plan.~~
- ~~2. As a condition of approval of an Production Plan, the Commission may impose appropriate conditions deemed reasonable and necessary or require any redesign of the project as deemed necessary to protect persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety, and general welfare, and to implement the purposes of this Development Code.~~

35.53.070 - Post-Review Procedures

- A. Abandonment of facilities within the South Coast Consolidation planning area.** The County shall review permits that are approved after August 12, 1985 for new or modified oil and gas facilities when throughput, averaged (arithmetic average) over a period of 12 consecutive months, does not exceed three percent of the facility's maximum allowed operating capacity. The review shall be conducted in a duly noticed public hearing to determine if facility abandonment or facility modifications are appropriate in compliance with [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#). This provision shall apply to the following uses:

~~1. Onshore processing facilities necessary or related to offshore oil and gas development (Coastal Zone) as described in Section 35.51.070 (Onshore Processing Facilities Related to Offshore Oil and Gas Development).~~

~~2.~~ 1. Treatment and processing facilities (~~Inland Area~~), as described in [Section 35.52.060 \(Treatment and Processing Facilities\)](#).

B. Post approval procedures. After the decision on an application for a Development Plan, ~~or~~ Oil Drilling/Exploration Plan, ~~Exploration Plan, or Production Plan~~, the following post-approval procedures shall apply:

1. Procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#).

2. Procedures and requirements related to appeals and revocation in [Article 35.10 \(Land Use and Development Code Administration\)](#).

~~3. For facilities allowed under Section 35.51.110 (Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs), procedures and requirements related to abandonment and removal in Chapter 35.56 (Oil/Gas Land Uses - Abandonment and Removal Procedures).~~

~~4. For facilities allowed under Section 35.51.110 (Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs), procedures and requirements related to change of operator, owner, or guarantor in County Code Chapter 25B (Change of Owner, Operator, or Guarantor for Certain Oil and gas facilities).~~

~~5.~~ 3. Procedures and requirements in County Code Chapter 25 (Oil and Petroleum Wells).

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

A. Final Development Plan. For Final Development Plans, issuance of a Land Use Permit or a Zoning Clearance in compliance with [Section 35.82.080 \(Development Plans\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Final Development Plan.

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

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

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

Reserved

CHAPTER 35.54 - RESERVED

CHAPTER 35.55 - FINDINGS FOR OIL AND GAS FACILITIES—~~INLAND AREA~~

Sections:

- 35.55.010 - Purpose
- 35.55.020 - Applicability
- 35.55.030 - Oil Drilling and Production - Findings for Oil Drilling and Production Plans
- 35.55.040 - Treatment and Processing Facilities - Findings for Development Plans
- 35.55.050 - Refining - Findings for Development Plans
- 35.55.060 - Oil and Gas Pipelines—~~(Inland Area)~~ - Findings for Development Plans

35.55.010 - Purpose

The purpose of this Chapter is to provide findings required for approvals of the following plans related to oil and gas facilities located ~~in the Inland Area~~.

- A. Final Development Plans.
- B. Oil Drilling and Production Plans.
- ~~C. Exploration Plans.~~
- ~~D. Production Plans.~~

35.55.020 - Applicability

Table 5-2-1 (Allowed Uses and Permit/Plan Requirements for Oil and Gas Facilities ~~in the Inland Area~~) indicates the plans required for approval of oil and gas facilities ~~located in the Inland area~~. During the review process for the approval of oil and gas facilities, the Commission, or the Board on appeal, shall make the findings or additional findings required in this Chapter. It is the responsibility of the applicant to establish evidence in support of the required findings.

35.55.030 - Oil Drilling and Production - Findings for Oil Drilling and Production Plans

An Oil Drilling and Production Plan shall be approved only if all of the following applicable findings are first made:

- A. There are no feasible alternative locations for the proposed drilling of an onshore reservoir that are less environmentally damaging.
- B. Significant adverse environmental effects will be mitigated to the maximum extent feasible.
- C. The project will not be detrimental to health, safety, and general welfare of the neighborhood and will not be incompatible with uses of the surrounding area.
- D. The development is in conformance with the applicable provisions of this Development Code and the Comprehensive Plan.
- E. The site is able to accommodate subsequent oil and gas production, should the proposed drilling program be successful.
- F. For projects requiring a Conditional Use Permit, the findings identified in [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) shall also apply.

35.55.040 - Treatment and Processing Facilities - Findings for Development Plans

- A. **Treatment and processing facilities outside of the South Coast Consolidation Planning Area.** In addition to the findings for Development Plans in [Section 35.82.080 \(Development Plans\)](#) and in [Subsection 35.52.060.B.10.c](#) (Highway or rail transport of highly viscous oil), a Preliminary or Final

Development Plan for treatment and processing facilities ~~in the Inland area~~ shall not be approved for a project in an area outside the South Coast Consolidation Planning Area unless the review authority also makes all of the following findings:

1. Consolidation or collocation on or adjacent to an existing processing facility to accommodate the proposed production is not feasible or is more environmentally damaging.
2. There are not feasible alternative locations for the proposed processing facility that are less environmentally damaging.
- ~~3. Where consolidation or collocation on or adjacent to an existing processing facility is not proposed, for Coastal areas east of the City of Santa Barbara, there are no existing processing facilities within three miles of the proposed site.~~
43. The proposed facility is compatible with the present and allowed recreational and residential development and the scenic resources of the surrounding area.
54. Gas processing facilities proposed in the North County Consolidation Planning Area (NCCPA), including expansion of existing facilities, have been sited in compliance with criteria in the Comprehensive Plan study entitled, Siting Gas Processing Facilities. Additionally, sites are selected with adequate consideration of future gas processing needs in the NCCPA to optimize siting and consolidation strategies. The "expansion" of an existing facility shall mean structural modifications, alterations, expansions, or enlargements that result in increased facility capacity, or changes in facility use, operation, or other limitations imposed by permit or other law. The "expansion" of an existing facility shall also mean introduction of production from a field not served by the processing facility since January 1, 1986, or from a new production well that increases the current area extent of a field presently served by the facility. Expansion shall not include modification to existing facilities that is required to comply with current health and safety regulations, and codes.

B. Treatment and processing facilities within the South Coast Consolidation Planning Area. In addition to the findings in [Section 35.82.080 \(Development Plans\)](#) and in Subsection [35.52.060.B.10.c](#) (Highway or rail transport of highly viscous oil), Preliminary or Final Development Plans for processing facilities shall not be approved unless the review authority also makes one or more of the following findings:

1. Existing and approved processing capacity at the County designated consolidation sites is insufficient to accommodate proposed new production for a period of time that would render development of the proposed offshore reservoir infeasible. This finding shall take into account feasible delays in development of the offshore reservoir to maximize use of existing and approved processing capacity, and feasible expansion of existing processing facilities to provide sufficient capacity.
2. The specific properties of oil or gas from a particular reservoir considering available information on the physical and chemical characteristics of the stock, including but not limited to API gravity, sulfur and water content, viscosity, and pour point would render development of the resource technically infeasible unless specialized units can be built. This finding shall consider partial dehydration as a specialized unit if it is required to adapt a resource to the technical requirements of a processing facility. Modifications or additions to existing facilities shall be favored over construction of redundant processing capacity as long as the modifications or additions render the resource characteristics and the technical processing requirements of a facility compatible with one another.
3. Commingling the production in existing or already approved facilities at designated consolidation sites is environmentally unacceptable.

Additionally, Preliminary or Final Development Plan for expansion or construction of processing facilities shall not be approved unless the review authority also makes all of the following findings to restrict industrialization of the area.

4. The expansion of existing facilities or construction of new facilities are to be located at a consolidated oil and gas processing site as designated in the Comprehensive Plan.
5. The proposed processing facilities shall use, to the maximum extent feasible, existing ancillary facilities at the consolidated site.

35.55.050 - Refining - Findings for Development Plans

In addition to the findings in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan shall not be approved unless the review authority also makes all of the following findings:

- A. Consolidation or collocation on or adjacent to an existing refining facility to accommodate the proposed refinery is not feasible or is more environmentally damaging.
- B. There are no feasible alternative locations for the proposed refining facility that are less environmentally damaging.
- C. The facility is compatible with the scenic quality and land uses of the surrounding area.

35.55.060 - Oil and Gas Pipelines (~~Inland Area~~) - Findings for Development Plans

In addition to the findings for Development Plans in [Section 35.82.080 \(Development Plans\)](#), a Preliminary or Final Development Plan that proposes new pipeline construction outside of industry facilities ~~in the Inland area~~ shall not be approved unless the review authority also makes all of the following findings:

- A. Use of available or planned common carrier and multiple-user pipelines is not feasible.
- B. Pipelines shall be constructed, operated, and maintained as common carrier or multiple-user pipelines unless the applicable review authority determines it is not feasible. Applicants have taken into account the reasonable, foreseeable needs of other potential shippers in the design of their common carrier and multiple-user pipelines. Multiple-user pipelines provide equitable access to shippers with physically compatible stock on a nondiscriminatory basis.
- C. New pipelines are routed in approved corridors that have undergone comprehensive environmental review unless the applicable review authority determines that the corridors are not available, safe, technically feasible, or the environmentally preferred route for the proposed new pipeline.
- D. When a new pipeline route is proposed, it is environmentally preferable to other feasible alternative routes.
- E. When a new pipeline is proposed, the project's environmental review has analyzed the cumulative impacts that might result from locating additional pipelines in that corridor in the future.
- F. Concurrent or "shadow" construction has been coordinated with other pipeline projects that are expected to be located in the same corridor where practical.

CHAPTER 35.56 - OIL/GAS LAND USES - ABANDONMENT AND REMOVAL PROCEDURES

Sections:

- 35.56.010 - Purpose and Intent
- 35.56.020 - Applicability
- 35.56.030 - Requirement to File an Application
- 35.56.040 - Filing an Application to Defer Abandonment
- 35.56.050 - Contents of Application to Defer Abandonment
- 35.56.060 - Processing of Application to Defer Abandonment
- 35.56.070 - Decision on Application to Defer Abandonment
- 35.56.080 - Deferral Period and Extensions of Approval to Defer Abandonment
- 35.56.090 - Filing an Application for a Demolition and Reclamation Permit
- 35.56.100 - Content of Application for a Demolition and Reclamation Permit
- 35.56.110 - Processing of Demolition and Reclamation Permit
- 35.56.120 - Findings Required for Approval of a Demolition and Reclamation Permit
- 35.56.130 - Performance Standards for Demolition and Reclamation Permits
- 35.56.140 - Revocation of Entitlement to Land Use
- 35.56.150 - Expiration of a Demolition and Reclamation Permit
- 35.56.160 - Post Approval Procedures

35.56.010 - Purpose and Intent

A. Purpose.

1. This Chapter establishes procedures to achieve the timely abandonment of applicable land uses, and following the abandonment, the timely and proper removal of applicable oil and gas facilities, reclamation of host sites, and final disposition of pipelines, in compliance with applicable laws and permits.
2. The procedures ensure appropriate due process in differentiating idled from abandoned facilities and protecting the vested rights of permittees while also ensuring that facilities with no reasonable expectation of restarting are removed, in compliance with the intent of enabling development permits.

- B. Intent.** Timely abandonment provides a public benefit by avoiding unnecessary delays in remediating any residual contamination that may result during operations, and providing an effective means of mitigating several significant environmental and socioeconomic effects, including aesthetics, compatibility with surrounding land uses, and risk of default on demolition and reclamation obligations by the permittee.

35.56.020 - Applicability

This Chapter applies to the following land uses:

- A. All permitted uses identified in the Sections listed below that handle, or at one time handled, natural gas, natural gas liquids, oil, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
1. ~~Section 35.51.070 (Onshore Processing Facilities Related to Offshore Oil and Gas Development).~~
 2. ~~Section 35.51.080 (Onshore Supply Base, Pier, and Staging Areas Related to Offshore Oil and Gas Development).~~

~~3. Section 35.51.090 (Consolidated Pipeline Terminals).~~

~~4. Section 35.51.110 (Onshore Exploration and/or Production of Offshore Oil and Gas Reservoirs).~~

~~5.1. Section 35.52.060 (Treatment and Processing Facilities).~~

- B. All permitted uses identified in [Section 35.52.070 \(Refining\)](#) regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
- C. All marine terminals and oil storage tanks serving those terminals, regardless of whether these uses were permitted in compliance with this Development Code or any preceding ordinance.
- D. All pipeline systems identified in ~~Section 35.51.100 (Oil and Gas Pipelines—Coastal Zone)~~ and [Section 35.52.080 \(Oil and Gas Pipelines—Inland Area\)](#), except for public utility natural gas transmission and distribution systems (e.g., The Gas Company), that either transport or at one time transported natural gas, oil, produced water, or waste water that originated from an offshore reservoir, regardless of whether these uses were permitted in compliance with this Development Code or any preceding zoning ordinance.
- E. Unless specifically stated otherwise, reclamation of sites and corridors used to support any of the operations identified in Subsections A. through D. above.

This Chapter does not apply to land uses allowed under Sections ~~35.51.050, 35.51.060, and~~ [35.52.050](#), which address exploration and production of onshore hydrocarbon reserves.

35.56.030 - Requirement to File an Application

- A. **Intentional abandonment.** The permittee of a permitted land use shall submit an application to the Director for a Demolition and Reclamation Permit in compliance with [Section 35.56.090 \(Filing an Application for a Demolition and Reclamation Permit\)](#) upon intentional abandonment of a permitted land use, or a major business function of the permitted land use.
- B. **Other events that trigger submittal of application.** The permittee of a permitted land use shall submit an application to the Director either to defer abandonment in compliance with [Section 35.56.040 \(Filing an Application to Defer Abandonment\)](#) or to obtain a Demolition and Reclamation Permit in compliance with [Section 35.56.090 \(Filing an Application for a Demolition and Reclamation Permit\)](#) upon the occurrence of either of the following:
 - 1. **County permit requirement.** Any event designated in an existing County permit that would require consideration of abandonment; or
 - 2. **Idle land use or business function.** The permitted land use or an independent business function of a permitted land use has become idle.

35.56.040 - Filing an Application to Defer Abandonment

- A. **Eligible applicant.** Any permittee subject to the requirements of Subsection [35.56.030.B](#) (Other events that trigger submittal of application) above, may file an application to defer abandonment, which shall be considered by the Director.
- ~~B. **Time period.** The application shall be filed no later than 90 days after an event specified in Subsection [35.54.030.B](#) (Other events that trigger submittal of application) above, has occurred.~~

35.56.050 - Contents of Application to Defer Abandonment

The application to defer abandonment shall be in a form and content specified by the Director and this Section. The applications shall contain the following:

- A. Name, address, and contact information for the permittee.
- B. Name, address, and general description of the permitted land use.

- C. Date when the permitted land use first became idle.
- D. Reason for idle status.
- E. Status of upstream production facilities, where applicable.
- F. Listing of any facility equipment that has been identified on a plan (submitted in satisfaction of a County, Fire, or Air Pollution Control District permit) and has been either removed from the site or is not currently in operational condition. Include an explanation of the effect this missing or inoperable equipment has on the ability to restart operations and runs all processes. Also explain measures necessary to bring inoperable equipment back into operational condition.
- G. Plans and schedule to restart operations and identification of any facility components that would remain inactive after restart.
- H. Identification of reasonable circumstances that would hinder restart of operations in compliance with the plan and schedule.
- I. Any other information deemed necessary by the Director.

35.56.060 - Processing of Application to Defer Abandonment

- A. Determination of completeness or incompleteness.** The Director shall determine the completeness of any application and issue a completeness letter within 30 days of receipt. If the application is deemed incomplete, the Director shall specify in detail the deficiencies in the application.
- B. Time period to respond to incompleteness letter.** The applicant shall submit information in response to an incompleteness letter within 60 days of receipt or, if it is not practicable to respond within a 60-day period, shall request an extension, not to exceed 60 additional days (for a total of 120 days), within which to provide the required information.
- C. Referral of application to other review authorities.** The Director shall refer an application to defer abandonment to the Fire Department and Air Pollution Control District for review and comment before the Director makes a final determination on the application.
- D. Public hearing.** The Director may choose, at the Director's sole discretion, to conduct a public hearing to consider any application to defer abandonment.
- E. Time period for public review.** The public shall be given all reasonable opportunity to review the Director's recommended decision no less than 10 days before conducting a public hearing, or the date of the Director's scheduled action if no hearing is required, on any application to defer abandonment in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

35.56.070 - Decision on Application to Defer Abandonment

- A. Decisions for idle facilities.**
 - 1. The Director shall grant the application for deferral of abandonment unless the evidence shows that an idle facility has no reasonable possibility of being restarted or the owner has no intent of restarting the facility within a reasonable period of time.
 - 2. Notwithstanding Subsection A.1 above, the Director shall approve the application for deferral of abandonment for any pipeline subject to the jurisdiction of the Federal Energy Regulatory Commission if that Commission has determined that abandonment is not appropriate.
 - 3. The Director shall consider all relevant evidence in determining if a permitted land use has been abandoned, including whether any of the following have occurred:
 - a. The oil and gas leases that have supplied the permitted land use with product have terminated.
 - b. The oil and gas operations that have supplied the permitted land use with product have been

abandoned.

- c. For oil/gas land uses designated as consolidated facilities and sites under this Development Code, there are no other existing offshore leases that may reasonably be expected to use the consolidated facility or site in the next 10 years.
- d. Major and essential components of a land use, or an independent business function of a land use, have been removed from the site or have fallen into disrepair so that they are no longer functional.
- e. Permits or other entitlements for the land use (e.g., permits from the Air Pollution Control District) have been surrendered, expired, revoked, or otherwise rendered invalid and no intent has been demonstrated to renew or reacquire the permits.
- f. The Fire Department has issued an order requiring abandonment.
- g. Any other evidence that shows clear intent to abandon.

B. Decisions for consideration of abandonment under permit conditions. The Director shall grant the application for deferral of abandonment unless:

1. The Director finds under the applicable permit conditions that abandonment of the permitted land use or independent business function of a land use is required without further delay; and
2. The permittee no longer has a vested right to continue operation.

C. Transmittal of Director's decision. The Director's decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

D. Appeal of Director's decision.

1. The decision of the Director is final subject to appeal to the Commission in compliance with [Chapter 35.102 \(Appeals\)](#).
2. The appeal shall be filed within 30 days of the provision of notice of the decision.

35.56.080 - Deferral Period and Extensions of Approval to Defer Abandonment

A. Deferral time period. The Director may approve an abandonment deferral for a period not to exceed 24 months from the occurrence of an event identified in Subsection [35.56.030.B](#) (Other events that trigger submittal of application) above.

B. Extensions of deferral time period. The Director may extend this period for 12-month increments upon timely application by the operator.

C. Deadline for applications for extensions. Applications for extensions shall be filed at least 90 days before the end of the approved abandonment-deferral period and shall contain the information identified in [Section 35.56.050 \(Contents of Application to Defer Abandonment\)](#).

35.56.090 - Filing an Application for a Demolition and Reclamation Permit

A. When application required. A permittee of a permitted land use that has not filed an application to defer abandonment in compliance with [Section 35.56.040 \(Filing an Application to Defer Abandonment\)](#), or who has filed and that application has been disapproved, shall file an application for a Demolition and Reclamation Permit.

B. Deadline for filing application.

1. The application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an application to defer abandonment has been denied and administrative appeals have been exhausted in compliance with [Chapter 35.102 \(Appeals\)](#).

2. If an application to defer abandonment has not been filed, an application for a Demolition and Reclamation Permit shall be filed no later than 180 days after an event identified in [Section 35.56.030 \(Requirement to File an Application\)](#) has occurred.

C. **Extensions of time.** The Director may grant extensions of time for good cause.

35.56.100 - Content of Application for a Demolition and Reclamation Permit

The application for a Demolition and Reclamation Permit shall be in a form and content specified by the Director and this Section. The applications shall contain the following:

- A. Name, address, and contact information for the permittee.
- B. Name, address, and general description of the permitted land use.
- C. Gross and net acreage and boundaries of the subject property.
- D. Location of all structures, above and underground, proposed to be removed.
- E. Location of all structures, above and underground, proposed to remain in-place.
- F. Location of all utilities on the subject property.
- G. Location of all easements on or adjacent to the subject property that may be affected by demolition or reclamation.
- H. To the extent known, the type and extent of all contamination and proposed remedial actions to the level of detail that can be assessed through environmental review. This information does not require a new or modified Phase 2 site assessment in advance of any requirement by the Fire Department or State agencies with regulatory oversight of site assessments.
- I. Location of areas of flood, geologic, seismic, and other hazards.
- J. Location of areas of archeological sites, habitat resources, prime scenic quality, water bodies, and significant existing vegetation.
- K. Location and use of all structures within 50 feet of the boundaries of the subject property.
- L. A proposed decommissioning plan that details the activities involved in removing structures from the site, including the following details: estimated number of workers required on site to decommission facilities and structures, disposition of equipment and structures proposed for decommissioning, projected method of transporting equipment, structures, and estimated debris from the site to the place of disposition as well as the number of trips required, and an estimated schedule for decommissioning the facilities.
- M. A proposed waste-management plan to maximize recycling and minimize wastes.
- N. Other permit applications that may be required by the County Code to retain any existing structures, roadways, and other improvements to the property that were ancillary to the oil or gas operations and are proposed to be retained to support other existing or proposed uses of the property following abandonment of the oil and gas operations.
- O. A proposed grading and drainage plan.
- P. A proposed plan to convert the site to natural condition or convert to other proposed land use, including a detailed schedule for restoring the site. In the latter case, include other applicable permit applications required, if any, for the proposed land use.
- Q. A statement of intent regarding the disposition of utilities that served the oil and gas operations, including fire protection, power, sewage disposal, transportation, and water.
- R. Measures proposed to be used to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, traffic congestion, vibration) and to prevent danger to life and property.

S. Any other information deemed necessary by the Director to address site-specific factors.

35.56.110 - Processing of Demolition and Reclamation Permit

- A. Processing of complete applications.** The Department shall process complete applications for Demolition and Reclamation Permits through environmental review after determining the applications to be complete in compliance with [Section 35.80.050 \(Initial Application Review\)](#).
- B. Independent or concurrent processing of applications.** The Department shall process complete applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question. However, Demolition and Reclamation Permits may be processed concurrently with development permits provided, that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
- C. Director's decision.** The Director shall consider complete applications for Demolition and Reclamation Permits and shall approve, conditionally approve, or deny the application. A denial shall be accompanied by an explanation of changes necessary in order to allow the application to be approved.
- D. Transmittal of Director's decision.** The Director's decision shall be transmitted by a public notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- E. Appeal of Director's decision.**
1. The decision of the Director is final subject to appeal to the Commission in compliance with [Chapter 35.102 \(Appeals\)](#).
 2. The appeal shall be filed within 30 days of the provision of notice of the decision.
- F. Demolition and Reclamation Permit shall supersede.** Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary permit approved for construction and operation of the facilities.

35.56.120 - Findings Required for Approval of a Demolition and Reclamation Permit

A Demolition and Reclamation Permit shall only be approved if all of the following findings are first made:

- A. Mitigation of adverse impacts.** Significant adverse impacts to the environment due to demolition and reclamation are mitigated to a level of insignificance or, where impacts cannot feasibly be mitigated to insignificance, they are mitigated to the maximum extent feasible.
- B. Streets and highways.** Where applicable, streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed demolition and reclamation.
- C. Conformance to requirements of other local, regional, or State entities.** Any condition placed upon the operator or responsible party for assessment or remediation of soil or water contamination fully conforms to the permitting process and requirements of the Regional Water Quality Control Board and the County Fire Department.
- D. Protection of health, safety, and welfare.** The proposed reclamation will not be detrimental to the comfort, convenience, health, safety, and general welfare of the neighborhood, and will not be incompatible with the surrounding area.
- E. Restoration to natural condition.** The subject site will be restored to natural conditions unless any of the following conditions apply:
1. Areas within the site are subject to approved development, in which case restoration and landscaping of these areas will conform to the newly permitted development. In cases where development is proposed but not yet permitted, restoration of affected areas to natural conditions may be waived; provided, the development is permitted within five years and the permittee has posted financial assurances acceptable to the Director to ensure restoration to natural conditions if the proposed development is not permitted.

2. Areas within the site are subject to agricultural uses that do not require a County permit, in which case the restoration will conform to conditions appropriate for agricultural uses.

For purposes of this finding, the Director may allow abandonment in-place of specific improvements (e.g., emergency access roads or retaining walls) if the Director first finds that their removal will be detrimental to the health, safety, or general welfare of the public or the environment (e.g., undesired destabilization of slopes due to removal of a retaining wall, or eliminating a needed public evacuation route).

- F. **Retention of improvements.** Any retention of improvements to land is properly permitted in compliance with the County Code where permits are required.
- G. **Public access or use.** The proposed reclamation will leave the subject site in a condition that is compatible with any existing easements or dedications for public access through, or public use of a portion of the property.
- H. **Completion of post-closure activities.** The permit conditions contain specific enforceable requirements to ensure the timely closure of the host site and completion of post-closure activities.

35.56.130 - Performance Standards for Demolition and Reclamation Permits

The following performance standards shall apply to approved Demolition and Reclamation Permits.

- A. **Contamination and spills.** All equipment shall be cleaned of oil or other contaminants before dismantlement in order to reduce any risk of contamination of soils or water during demolition of the facility to the maximum extent feasible.
 1. Where applicable, the permittee shall prepare and submit a Spill Contingency Plan to the County Fire Department.
 2. The plan shall identify measures to prevent and contain spills during dismantling and removal of facilities, as well as how spills will be cleaned up once they have occurred.
- B. **Other permits.** The permittee shall obtain all other necessary permits from other agencies and, where applicable, submit proof of permits issued by the California Division of Oil, Gas, and Geothermal Resources to plug and abandon wells or to inject waste water for purposes of disposal into any State oil and gas field before issuance of the Demolition and Reclamation Permit.
- C. **Monitoring to ensure compliance and provide recommendations.** The demolition and reclamation shall be adequately monitored by a qualified individual, funded by the permittee and retained by the County, to ensure compliance with those conditions designed to mitigate anticipated significant adverse effects on the environment and to provide recommendations in instances where effects were not anticipated or mitigated by the conditions imposed on the Demolition and Reclamation Permit. Pre-reclamation and post-reclamation surveys of sensitive resources shall be employed as appropriate to measure compliance.
- D. **Topsoil.** Topsoil shall be stockpiled, covered, and saved for use as topsoil when excavated areas are back-filled unless the soil is treated onsite or removed for off-site disposal due to contamination.
- E. **Truck traffic.** If appropriate, truck traffic transporting materials to and from the subject site shall avoid arriving or departing the site during the peak traffic hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. weekdays (or other peak-hour periods applicable to the location of the traffic).
- F. **Sight distance and access.** Adequacy of sight distance, ingress/egress, and emergency access shall be verified by the County Public Works and Fire Departments.
- G. **Dust.** Measures shall be implemented to inhibit dust generation, where appropriate. Unavoidable generation of dust shall be kept to a minimum through effective controls.
- H. **Recycling.** The permittee shall implement a viable recycling plan that meets County approval and includes provisions to maximize recycling of asphalt, concrete, and equipment, and to minimize disposal

of wastes into hazardous waste and solid waste management facilities to the maximum extent feasible.

- I. Contouring.** Contouring of the land shall be compatible with the surrounding natural topography, unless otherwise approved to accommodate another permitted use or required drainage.
- J. Erosion control.** The permittee shall implement appropriate measures to control erosion both during and after site closure.
- K. Revegetation.** Establishment of vegetation shall be in compliance with an approved revegetation plan and the following standards:
1. In compliance with the County's Fire Plan, as implemented by the County Fire Department, all disturbed areas identified for vegetation shall be disked or ripped to an appropriate depth to eliminate compaction and establish a suitable root zone in preparation for planting, except where the requirement poses a significant adverse environmental impact.
 2. Native seeds and plants shall be used when returning the area to natural conditions. The Director shall define an acceptable geographic area from which genetically compatible, native-seed stocks may be selected for site restoration in order to protect the genetic integrity and the habitat value of the site and its surrounding area. Other seeds (e.g., pasture mix) shall be permitted in areas designated for the use.
- L. Subsurface pipeline segments.** Subsurface segments of inter-facility pipelines may be abandoned in-place, except under the following circumstances:
1. Presence of the pipeline would inhibit future land uses.
 2. Modeling approved by the United States Army Corp. of Engineers or United States Bureau of Reclamation indicates that segments of the pipeline in erosive locations would become exposed at some time during the next 100 years, and environmental review determines that impacts from exposure and subsequent removal during inclement weather are more significant than removal at the time of abandonment.
- M. Recorded notice or abandoned pipeline.** The permittee shall ensure that appropriate notification has been recorded with the County Clerk-Recorder to update, supersede, or release the recorded rights-of-way where a subsurface pipeline is abandoned in-place. This notice shall describe the presence and location of the abandoned pipeline, any material placed in the pipeline for abandonment, and the operator and owner of the pipeline before abandonment.
- N. Previously unidentified contamination.** The site shall be assessed for previously unidentified contamination.
1. The permittee shall ensure that any discovery of contamination shall be reported to the Director and the County Fire Department.
 2. The permittee shall diligently seek all necessary permit approvals, including revisions to the Demolition and Reclamation Permit, if any are required, in order to remediate the contamination.
- O. Other conditions or requirements.** The Director in consultation with other County agencies, may impose any other appropriate, necessary and reasonable conditions or require any changes to the project as deemed necessary to protect the health, safety and general welfare of the public, protect property, preserve the character, natural resources, or scenic quality of the area, or implement the purpose of this Section or any other provisions of the County Code.
- P. Independent business function.** In the case of an independent business function of a permitted land use, the Director shall have discretion to determine the timing and extent of the requirements of the Demolition and Reclamation Permit. Factors that the Director may consider shall include:
1. Whether removal of the independent business function would substantially reduce the overall footprint of the permitted land use, reduce any significant visual impact, or reduce any significant

risk to public safety.

2. Whether site restoration is feasible at the time the independent business function is removed, compared to deferring site restoration to a time that the entire permitted land use is removed.

Q. Recorded notice of contamination left in place. The permittee shall ensure that appropriate notification has been recorded with the County Clerk-Recorder to describe the presence and location of any contamination left in place under the authority of the County Fire Department.

35.56.140 - Revocation of Entitlement to Land Use

A. Events that trigger revocation of entitlements. All entitlements provided in any use permits issued under this Development Code, or under any preceding ordinance, to use the facilities shall be automatically revoked and no longer effective upon the County's denial of an application to defer abandonment and the exhaustion of available administrative remedies.

B. Continued protection of health, safety and welfare. Requirements of use permits necessary to ensure continued protection of public and environmental health, safety, and general welfare shall continue in full force and effect, including all of the following:

1. Conditions that:
 - a. Specify the liability of the owner, operator, and other persons;
 - b. Specify payment of County fees and costs; and
 - c. Indemnify the County.
2. Where applicable, conditions that specify the County's authority to require abatement of public nuisances or require mitigation of environmental impacts that may occur before issuance of a Demolition and Reclamation Permit.
3. Where applicable, conditions that require:
 - a. Emergency preparedness and response;
 - b. Fire prevention, preparedness, protection, and response;
 - c. Oil spill prevention, preparedness, and response;
 - d. Payment of fees, including fees that provide mitigation for ongoing impacts to the environment (e.g., payments to the Coastal Resource Enhancement Fund).
 - e. Safety inspections, maintenance, and quality assurance; and
 - f. Site security.
4. Substantive conditions that address abandonment; however, procedural requirements for abandonment, demolition, and reclamation shall be in compliance with this Section.

C. Conditions remaining in full force. Upon revocation of entitlements in a planning permit, the Director shall notify the owner or operator and include a list of permit conditions that remain in full or partial force.

D. Automatic revision of permits. A planning permit issued under this Development Code, or under any preceding ordinance, shall be automatically revised to remove any entitlement to continue the use of any independent business function of a permitted land use determined to be abandoned in compliance with this Chapter. However, permit conditions necessary to ensure continued protection of public and environmental health, safety, and general welfare, including those identified in Subsection B. (Continued protection of health, safety and welfare) above, shall continue in full force and effect.

E. Grace period. The permittee shall have a grace period of 24 months from the date of revocation of entitlements in use permits in order to secure a Demolition and Reclamation Permit. The Director may

extend the grace period for no more than one additional 12 month period, for good cause, or for longer periods for delays attributable to circumstances reasonably beyond the permittee's control.

- F. Deserted and illegal land use.** Upon completion of the grace period, the abandoned land use or independent business function shall be treated as a deserted and illegal land use until the permittee secures approval of a Demolition and Reclamation Permit in compliance with this Chapter.

35.56.150 - Expiration of a Demolition and Reclamation Permit

- A. Completion of permit requirements.** The permittee shall complete all requirements of the Demolition and Reclamation Permit before the expiration of the permit, including any extensions of the permit. Failure to do so shall constitute a violation of this Chapter.
- B. Term.** Demolition and Reclamation Permits shall expire upon issuance of a "Reclamation Complete" letter by the Director, which shall be issued upon the satisfactory completion of the required work, or seven years after the date of issuance, whichever occurs first. The Director's "Reclamation Complete" letter shall certify completion of all required work except for remediation of contamination, which is certified by other agencies.
- C. Extensions.**
1. The Director may extend the expiration date of the permit without penalty if the closure or revegetation of the site was delayed by circumstances reasonably beyond the permittee's control.
 2. Otherwise, the Director may extend the expiration date of the permit with penalties, in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#) in order to realize completion of all site closure and post-closure requirements.
 3. If the permittee requests a time extension of the permit in compliance with Subsections C.1 and C.2 above, the Director may revise the Demolition and Reclamation Permit to revise conditions and mitigating measures or to add new conditions and mitigating measures, which reflect changed circumstances, including newly identified impacts.
- F. Deserted and illegal land use.** Upon completion of the grace period, the abandoned land use or independent business function shall be treated as a deserted and illegal land use until the permittee secures approval of a Demolition and Reclamation Permit in compliance with this Chapter.

35.56.160 - Post Approval Procedures

- A. Post approval procedures regarding changes to an approved Demolition and Reclamation Permit.** The procedures and requirements in Subsection C (Substantial Conformity Determination), Subsection D (Amendments) and Subsection E (Revisions) of [Section 35.84.040 \(Changes to an Approved Project\)](#) shall apply following the decision on an application for a Demolition and Reclamation Permit.

CHAPTER 35.57 - WIND ENERGY CONVERSION SYSTEMS

Sections:

35.57.010 - Purpose

35.57.020 - Applicability

35.57.030 - Allowed Uses and Permit/Plan Requirements for Wind Energy Conversion Systems ~~in~~
~~the Inland Area~~

35.57.040 - Application Filing, Processing, and Review

35.57.050 - Development Standards

35.57.060 - ~~Reserved~~ Small Wind Energy Systems

35.57.010 - Purpose and Intent

This Chapter identifies the types of wind energy conversion facilities that are allowed ~~in the Coastal Zone and Inland Area~~ and the zones in which they are allowed; determines the required types of permits, and provides regulations for their location and operation. These provisions are intended to encourage wind energy development while protecting public health and safety.

35.57.020 - Applicability

The regulations contained in this Chapter shall apply to wind energy conversion systems used for electrical power generation. Wind machines used for climate control or water pumping are considered accessory uses to agriculture, and are not regulated by this Chapter.

35.57.030 - Allowed Uses and Permit Requirements for Wind Energy Conversion Systems ~~in the Inland Area~~

- A. **Allowed Uses and Permit Requirements.** Table 5-3-~~2~~ (Allowed Uses and Permit Requirements for Wind Energy Conversion Systems ~~in the Inland Area~~) identifies the types of wind energy conversion systems that are allowed by this Development Code in each zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements). A wind energy conversion system that is not listed in the table is not allowed.
- B. Where the last column (Specific Use Regulations) in Table 5-2-~~1~~ includes a section number, the referenced Section may establish other requirements and standards applicable to the wind energy conversion system.

Table 5-32 Allowed Uses and Permit Requirements for Wind Energy Facilities in the Inland Area Other Than Small Wind Energy Systems	E	Allowed use, no permit required (Exempt)					
	P	Permitted Use, Land Use or Coastal Permit required (1)					
	MCUP	Minor Conditional Use Permit required (1)					
	CUP	Conditional Use Permit required (1)					
	S	Permit requirement set by Specific Use Regulations					
	—	Use not allowed					
Permit Required by Zone							Specific Use Regulations
AG-I AG-II	MT-GOL MT-TORO RMZ RES	RR R-1 EX-1 R-2 DR PRD SLP SR-M SR-H MHP MHS OT	C-1 C-2 C-3 C-S CH CN CV SC PI	M-1 M-2 M-RP M-CR	MU PU REC		
Type of Wind Energy Conversion System							
Total maximum power output = 200 KW or less (2)	P(32)	MCUP	—	MCUP	MCUP	MCUP	35.57.050
Total maximum power output = Exceeds 200 KW (2)	CUP	—	—	—	CUP	—	35.57.050

Notes:

(1) Development Plan approval may be required in compliance with Section 35.57.040.B., below.

(2) ~~Not allowed in the Coastal Zone.~~

(32) The maximum power output of each proposed wind turbine shall be 25 KW or less. The wind turbines shall be spaced at least 300 feet apart.

35.57.040 - Application Filing, Processing, and Review

A. Application submittal requirements.

1. Land Use Permits.

- a. In addition to the applicable contents identified in Subsection 35.80.030.A (Application contents), the site plan shall include the height of structures and trees within 300 feet of proposed wind turbines, the maximum power output of proposed wind turbines, the intended use of the generated power, and documentation of overspeed protection devices.
- b. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.

2. Conditional Use Permits. The applicant shall submit as many copies of a Minor or Major Conditional Use Permit application as required by the Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of the application shall consist of the following instead of the information required under Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

- a. A plot plan of the proposed development drawn to scale showing:
 - (1) Acreage and boundaries of the property.
 - (2) Location of existing and proposed structures, their use, and square footage within 500 feet of the turbine.
 - (3) The height of structures and trees within 300 feet of the proposed wind turbines.
- b. Elevations of the components of the proposed wind energy conversion system.

- c. Documentation of the maximum noise levels generated by the wind turbine, if available.
- d. The intended use of the generated power.
- e. A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including but not limited to overspeed protection devices and methods to prevent public access to the structure.
- f. Written evidence that the electricity utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.

B. Development Plan required. The approval of a Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) may be required in compliance with the following:

1. In compliance with Section 35.21.030 (Agricultural Zones Allowable Land Uses) for projects located in Agricultural Zones.
2. In compliance with Section 35.22.030 (Resource Protection Zones Allowable Land Uses) for projects located in Resource Protection Zones.
3. In compliance with Section 35.23.030 (Residential Zones Allowable Land Uses) for projects located in Residential Zones.
4. In compliance with Section 35.24.030 (Commercial Zones Allowable Land Uses) for projects located in Commercial Zones.
5. In compliance with Section 35.25.030 (Industrial Zones Allowable Land Uses) for projects located in Industrial Zones.
6. In compliance with Section 35.26.030 (Special Purpose Zones Allowable Land Uses) for projects located in Special Purpose Zones.

35.57.050 - Development Standards

Wind energy conversion systems shall be in compliance with the following standards:

- A. Setbacks.** Wind turbines shall comply with all setback requirements of the applicable zone.
- B. Access control.** Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access control:
 1. Tower-climbing apparatus located no closer than 12 feet from the ground.
 2. A locked anti-climb device installed on the tower.
 3. A locked, protective fence at least six feet in height that encloses the tower.
- C. Tower structures.** Wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.
- D. Over-speed controls.** Wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.
- E. Height.**
 1. **Minimum height.** To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard by the review authority may be allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

- F. Guy wires.** Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.
- G. Horizontal axis wind turbines.** Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure. Additionally, the base of the tower shall be setback from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements in compliance with Public Resources Code Section 4290.
- H. Vertical axis wind turbines.** Vertical axis wind turbines shall be placed at a distance of at least 10 blade diameters from any structure or tree. A modification may be granted for good cause shown, however, in no case shall the turbine be located closer than three blade diameters to any occupied structure. Additionally, the base of the tower shall be set back from all property lines a minimum distance equal to the height of the system, including the wind turbine, provided that it also complies with any applicable fire setback requirements in compliance with Public Resources Code Section 4290.
- I. Electromagnetic interference.** The system shall be operated so that no electromagnetic interference is caused. If it is demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
- J. Color and non-reflective surfaces.** The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.
- K. Visual impact.** The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the wind energy system:
1. Shall not project above the top of ridgelines.
 2. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.
 3. Shall not cause a significantly adverse visual impact to a scenic vista from a County or State designated scenic corridor.
 4. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.
- L. Exterior lighting.** Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- M. Underground electrical wires.** Onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the review authority if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- N. Signage.** At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- O. Access roads.** Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.

35.57.060 - ~~Reserved~~ Small Wind Energy Systems

The following section provides the permit and processing requirements for Small Wind Energy Systems as defined in Article 35.11 (Glossary).

A. ~~Allowed Uses and Permit Requirements for Small Wind Energy Systems.~~ Table 5-4 (Allowed Uses and Permit Requirements for Small Wind Energy Systems) identifies the types of wind energy conversion systems that are allowed by this Development Code in each zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements). A wind energy conversion system that is not listed in the table is not allowed. Where the last column (Specific Use Regulations) in Table 5-4 includes a section number, the referenced Section may establish other requirements and standards applicable to the wind energy conversion system.

Type of Wind Energy Conversion System		Permit Required by Zone					Specific Use Regulations	
		Agricultural Zones:	Resource Protection Zones:	Residential Zones:	Commercial Zones:	Industrial Zones:		Special Purpose Zones:
Small Wind Energy Systems Total site maximum power output = 50 KW or less (2)		MCUP	MCUP	CUP	MCUP	MCUP	MCUP	35.57.060

Table 5-4 Allowed Uses and Permit Requirements for Small Wind Energy Systems	E	Allowed use, no permit required (Exempt)
	P	Permitted Use, Land Use or Coastal Permit required (1)
	MCUP	Minor Conditional Use Permit required (1)
	CUP	Conditional Use Permit required (1)
	S	Permit requirement set by Specific Use Regulations
	—	Use not allowed

Notes:

(1) Development Plan approval may be required in compliance with Section 35.57.060.C., below.

(2) The maximum power output of each proposed wind turbine shall be 25 KW or less. The wind turbines shall be spaced at least 300 feet apart.

B. ~~Application submittal requirements.~~ All applications for permits required by this Section shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing). In addition to the application submittal requirements listed in Section 35.57.040.A (Application submittal requirements), applications for Small Wind Energy Systems shall also included the following. These requirements may be modified by the Director based on site specific considerations including proximity to inhabited areas and public use areas:

1. ~~A site plan that includes:~~
 - a. ~~The height of structures and trees within 300 feet of the proposed wind turbines.~~
 - b. ~~The location of existing and proposed structures within 500 feet of the turbine(s), including a description of their use and floor area.~~
2. ~~Elevations of the components of the proposed wind energy conversion system.~~
3. ~~The maximum rated power output of proposed wind turbines.~~
4. ~~The intended use of the generated power.~~
5. ~~A visual analysis of the proposed system as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from one or more strategic vantage~~

points:

- a. ~~The analysis shall include an analysis of the zone of potential shadow flicker in relation to the project site's property lines and residences located on lots adjacent to the project site.~~
 - b. ~~The analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.~~
6. ~~A noise analysis, including documentation of the dB(A) level and characteristics of the noise generated by the wind turbine over the range of wind speeds between turbine cut in and cut out speeds, and including a noise level contour map showing worst case modeling of noise levels at the project site's property lines and residences located on lots adjacent to the project site.~~
7. ~~Documentation of:~~
- a. ~~Any overspeed protection devices.~~
 - b. ~~The maximum noise levels generated by the wind turbine, if available.~~
8. ~~A description of the measures taken to minimize adverse noise, transmission interference, and visual and safety impacts to adjacent land uses including but not limited to overspeed protection devices and methods to prevent public access to the structure.~~
9. ~~Written evidence that:~~
- a. ~~The proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.~~
 - b. ~~The electricity utility service provider that serves the proposed site has been informed of the applicant's intent to install an intereconnected customer owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect in the application.~~
10. ~~Standard drawings and an engineering analysis of the system's tower and foundation, showing compliance with the California Building Standards Code and certification by a professional mechanical, structural, or civil engineer licensed by California. A wet stamp shall not be required on the drawings and analysis, if the application demonstrates that the system is designed to meet the most stringent wind requirements (Uniform Building Code wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, and other relevant information normally required by the Department.~~
11. ~~A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.~~
12. ~~Sufficient information demonstrating that the system will be used primarily to reduce onsite consumption of electricity, including a complete listing of onsite electrical demands.~~
- C. ~~Development Plan required.~~** ~~The approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) may be required in compliance with the following:~~
1. ~~In compliance with Section 35.21.030 (Agricultural Zones Allowable Land Uses) for projects located in Agricultural Zones.~~
 2. ~~In compliance with Section 35.22.030 (Resource Protection Zones Allowable Land Uses) for projects located in Resource Protection Zones.~~
 3. ~~In compliance with Section 35.23.030 (Residential Zones Allowable Land Uses) for projects located in Residential Zones.~~
 4. ~~In compliance with Section 35.24.030 (Commercial Zones Allowable Land Uses) for projects located in Commercial Zones.~~

5. ~~In compliance with Section 35.25.030 (Industrial Zones Allowable Land Uses) for projects located in Industrial Zones.~~
6. ~~In compliance with Section 35.26.030 (Special Purpose Zones Allowable Land Uses) for projects located in Special Purpose Zones.~~

D. ~~Coastal Development Permit required.~~

1. ~~If an application for a Conditional Use Permit or Final Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit or Final Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with a Conditional Use Permit or Final Development Plan application except when the Coastal Commission is the review authority for the Coastal Development Permit because the development is located:

 - a. ~~Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or~~
 - b. ~~In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.~~~~
2. ~~The application for the Coastal Development Permit shall contain all of the submittal requirements for a Coastal Development Permit in compliance with Section 35.82.050.C that the Director determines to be applicable to the request.~~

E. ~~Notice.~~ The following provides special notice requirements for Small Wind Energy Systems.

1. ~~Notice of an application for a Small Wind Energy System shall be provided in compliance with Chapter 35.106 (Noticing and Public Hearings) and shall, at a minimum, provide notice to owners and residents of property located within a 300-foot radius of the lot on which the system is proposed to be located.~~
2. ~~If deemed necessary by the Director due to circumstances specific to the proposed installation, notice shall also be provided by placing a display advertisement of at least one eighth page in at least one newspaper of general circulation within Santa Barbara County. Examples of such circumstances include when the system would be significantly visible from public viewing areas, or where the standard notice requirement would not provide notice to nearby residential areas that might be adversely impacted by the system.~~
3. ~~If a county receives an application to install a Small Wind Energy System on a site that is within 1,000 feet of a military installation, within special use airspace, or beneath a low level flight path as defined by Section 21098 of the Public Resources Code, then the county shall promptly comply with Section 65944. If the governing authority of any military installation, special use airspace, or low level flight path provides written comments regarding that application, the county shall consider those comments before acting on the application.~~
4. ~~If a Small Wind Energy System is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county shall take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pest control aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agricultural Code.~~

F. ~~Development Standards for Small Wind Energy Systems.~~ Small Wind Energy Systems shall be in compliance with the following standards:

1. ~~**Permitted areas.** Wind energy systems that qualify as Small Wind Energy Systems may be located outside of urbanized areas unless prohibited by any of the following:

 - a. ~~The Local Coastal Program and any implementing regulations.~~
 - b. ~~The California Coastal Commission, pursuant to the California Coastal Act (Division 20~~~~

~~(commencing with Section 30000) of the Public Resources Code).~~

- ~~e. The Santa Barbara County Airport Land Use Plan and any implementing regulations adopted by the Santa Barbara County Airport Land Use Commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.~~
 - ~~d. The Alquist Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.~~
 - ~~e. Any regulation adopted by the Santa Barbara County Board of Supervisors to protect the scenic appearance of the scenic highway corridor designated pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.~~
 - ~~f. The terms of a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Division 2 of Part 2 of the Civil Code.~~
 - ~~g. The terms of an open space easement entered into pursuant to the Open sSpace Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.~~
 - ~~h. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.2 (commencing with Section 10200) of the Public Resources Code.~~
 - ~~i. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.~~
 - ~~j. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.~~
- ~~2. **Development Standards.** All Small Wind Energy Systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this Section 35.57.050.~~

~~a. **Minimum lot size.** A system shall be located on a lot a minimum of three acres in size.~~

~~b. **Number allowed per lot and primary purpose.**~~

~~(1) Only one Small Wind Energy System per lot shall be allowed; however, if the lot is located within the Rural Area as shown on the Comprehensive Plan maps then additional Small Wind Energy Systems may be allowed if necessary to serve separate structures.~~

~~(2) The system shall be used primarily to reduce the onsite consumption of electricity.~~

~~c. **Tower height.**~~

~~(1) Tower heights may be allowed as follows:~~

~~(a) Up to 65 feet or less on lots less than five acres.~~

~~(b) Up to 80 feet or less on lots of five or more acres.~~

~~(2) The allowed height shall be reduced if necessary to comply with the following:~~

~~(a) Section 35.28.060 (Airport Approach Overlay).~~

~~(b) Section 35.28.200 (View Corridor Overlay).~~

~~(c) All applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations~~

~~regarding installations close to airports, and the State Aeronautics Act Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code.~~

- ~~d. **Setbacks.** The location of the base of the tower shall be in compliance with the following provided that the location also complies with any applicable fire setback requirements pursuant to Section 4290 of the Public Resources Code:~~
- ~~(1) The base of the tower shall be setback from all property lines a minimum distance equal to the system height.~~
 - ~~(2) The base of the tower shall be setback from all power lines, public roads and other public areas a minimum distance equal to one and one half time the system height~~
 - ~~(3) The base of the tower shall be located no closer than 10 feet to any other structure.~~
- ~~e. **Noise levels.** The following standards may be modified by the review authority based on site specific characteristics including proximity to inhabited areas and public use areas.~~
- ~~(1) Noise levels generated by Small Wind Energy Systems shall not exceed the noise levels established for noise sensitive uses by the Noise Element of the Santa Barbara County Comprehensive Plan, or 50 decibels (dBA), whichever is less, as measured at or beyond the project site's property lines, and at residences located on lots adjacent to the project site, except during short term events such as utility outages and severe wind storms.~~
 - ~~(2) The wind turbine noise characteristics shall not include noticeable tonality in order to minimize potential annoyance on adjacent lots.~~
 - ~~(3) The turbines shall be properly maintained throughout operations to ensure these standards continue to be met.~~
- ~~f. **View protection.**~~
- ~~(1) The system's tower and blades shall be finished in a non reflective, unobtrusive color, and incorporate non reflective surfaces, in order to blend the system and its components into the surrounding landscape, and to minimize any visual disruption, to the maximum extent feasible.~~
 - ~~(2) The system shall not substantially obstruct views of adjacent property owners and shall be located to minimize potential shadow flicker on adjacent properties.~~
 - ~~(3) When visible from any County or State designated scenic highway corridor, the system:~~
 - ~~(a) Shall be placed or constructed below any major ridgeline.~~
 - ~~(b) Shall not cause a significant adverse visual impact to a scenic vista as viewed from any County or State designated scenic highway corridor.~~
 - ~~(4) The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:~~
 - ~~(a) Shall not project above the top of ridgelines.~~
 - ~~(b) If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.~~
 - ~~(c) Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.~~
 - ~~(5) Exterior lighting on any structure associated with the system shall not be allowed except for:~~

- (a) ~~Lighting that is specifically required by the Federal Aviation Administration.~~
- (b) ~~Lighting that is specifically required by the review authority because the system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes.~~
- (6) ~~All onsite electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the review authority if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.~~
- g. System Manufacture.** ~~The system shall use a wind turbine that has been approved by the Energy Commission as qualifying under its Emerging Renewables Program pursuant to Section 25744 of the Public Resources Code or has been certified by a national program recognized and approved by the Energy Commission.~~
- h. Electromagnetic interference.** ~~The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.~~
- i. Signage.**
- (1) ~~At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.~~
- (2) ~~No advertising, brand names, logos or signs shall be affixed to, or placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.~~
- j. Safety.**
- (1) ~~Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:~~
- (a) ~~No climbing apparatus attached to the system shall be located less than 12 feet above the ground, and the system shall be designed to prevent climbing within the first 12 feet.~~
- (b) ~~A locked anti-climb device installed on the tower.~~
- (c) ~~A locked, protective fence at least six feet in height that encloses the tower.~~
- (2) ~~Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.~~
- (3) ~~To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. The review authority may modify this standard when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.~~
- (4) ~~All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.~~

~~(5) All Small Wind Energy Systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.~~

~~(6) The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code). A system that complies with this subdivision shall be deemed to meet the applicable health and safety requirements regarding civil aviation.~~

~~k. Access. Construction of onsite access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation. This standard may be modified by the review authority based on site-specific characteristics including proximity to inhabited areas and public-use areas~~

~~G. Project abandonment.~~

- ~~1. If the use of a Small Wind Energy System remains inoperable for a period of 12 consecutive months, the facility shall be considered abandoned and shall be removed.~~
- ~~2. The review authority responsible for reviewing and making a decision on the application for the Small Wind Energy System in compliance with Table 8-1 (Review Authority) may extend this 12 month period one time for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the Department prior to the expiration of the 12 month period.~~
- ~~3. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The landowner shall remove all structures, equipment, and associated improvements, and restore the site to its natural preconstruction state within 90 days of the date that the facility is considered abandoned.~~
- ~~4. If the facility is not removed by the landowner and the site returned to its original condition within the specified time period, the lot shall be considered to be in violation of this Development Code and the County pursue all available remedies to abate the violation in compliance with Chapter 35.108 (Enforcement and Penalties).~~
- ~~5. Compliance with these requirements may be imposed as a condition of approval of the permit(s) authorizing the construction of the Small Wind Energy System.~~

~~H. Repeal. Section 35.57.060 (Small Wind Energy Systems) of this Development Code Article shall remain in effect only until January 1, 2017, and is repealed as of that date, unless Article 2.11 (Wind Energy) of Chapter 4 of Division 1 of Title 7 of the Government Code (Section 65893 *et seq.*) is extended by statute enacted by the State of California prior to January 1, 2017.~~

CHAPTER 35.58 - COGENERATION FACILITIES—~~INLAND AREA~~

Sections:

- [35.58.010 - Purpose](#)
- [35.58.020 - Applicability](#)
- [35.58.030 - Allowed Zones and Permit/Plan Requirements](#)
- [35.58.040 - Development Standards](#)
- [35.58.050 - Application Filing, Processing, and Review](#)
- [35.58.060 - Post-Review Procedures](#)

35.58.010 - Purpose

This Chapter identifies the types of cogeneration facilities that are allowed ~~in the Inland area~~ and the zones in which they are allowed, determines the required types of permits, and provides regulations for their operation. These provisions are intended to encourage cogeneration facilities development while protecting public health and safety.

35.58.020 - Applicability

The regulations contained in this Chapter shall apply to cogeneration facilities where allowed in compliance with [Section 35.58.030 \(Allowed Zones and Permit/Plan Requirements\)](#) except for cogeneration facilities that are ancillary to the following land uses:

- A. Oil drilling and production subject to a Drilling and Production Plan approved in compliance with [Section 35.52.050 \(Oil Drilling and Production\)](#).
- B. Treatment and processing facilities approved in compliance with [Section 35.52.060 \(Treatment and Processing Facilities\)](#).
- C. Refining facilities approved in compliance with [Section 35.52.070 \(Refining\)](#).
- D. Oil and gas pipelines ~~located within the Inland area~~ approved in compliance with [Section 35.52.080 \(Oil and Gas Pipelines—~~Inland area~~\)](#).

35.58.030 - Allowed Zones and Permit/Plan Requirements

- A. **AG-I, AG-II, and M-1 zones.** Cogeneration facilities may be allowed in the AG-I, AG-II, and M-1 zones subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- B. **M-2 zone.** Cogeneration facilities may be allowed in the M-2 zone subject to a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) except when located within 1,000 feet of another zone, in which case a Conditional Use Permit shall also be required in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).
- C. **M-CR zone.** Cogeneration facilities may be allowed in the M-CR zone subject to a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#), except when located within 1,000 feet of another zone, in which case a Conditional Use Permit shall first be required in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.58.040 - Development Standards

In addition to the regulations of the applicable zone in which the cogeneration facility is located, the following noise mitigation regulations shall apply to cogeneration facilities:

- A. **Facilities adjacent to noise sensitive locations.** Measures to reduce adverse noise or vibration impacts to

the maximum extent feasible shall be used for facilities adjacent to noise sensitive locations as identified in the Noise Element of the Comprehensive Plan.

- B. Facilities adjacent to occupied residence.** Operation of facilities within 1,000 feet of an occupied residence shall be conducted to ensure that the noise generated is reduced to an outside nighttime level of 50 dB(A) at the impacted residence.

35.58.050 - Application Filing, Processing, and Review

Applications for Conditional Use Permits, Development Plans and Land Use Permits for cogeneration facilities shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

35.58.060 - Post-Review Procedures

The following post-approval procedures shall apply:

- A. Procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#).
- B. Procedures and requirements in [Chapter 35.102 \(Appeals\)](#).

CHAPTER 35.59 - UTILITY-SCALE PHOTOVOLTAIC FACILITIES

Sections:

- 35.59.010 - Purpose and Intent
- 35.59.020 - Applicability
- 35.59.030 - Allowed Locations
- 35.59.040 - Development Standards
- 35.59.050 - Post-Approval Procedures

35.59.010 - Purpose and Intent

This Chapter identifies utility-scale solar photovoltaic facilities that are allowed in the County and the locations and zones in which they are allowed; identifies the required types of permits, and provides regulations for the operation of such facilities. These provisions are intended to encourage utility-scale solar photovoltaic development while protecting public health and safety.

35.59.020 - Applicability

The regulations contained in this Chapter shall apply to utility-scale solar photovoltaic facilities used for electrical power generation located in the Cuyama Valley Rural Region.

35.59.030 - Allowed Locations

Utility-scale solar photovoltaic facilities may only be allowed on no more than 600 acres located within the Cuyama Valley Rural Region designated with the Utility-scale Solar Photovoltaic Overlay as designated on the Comprehensive Plan maps.

35.59.040 - Development Standards

All utility-scale solar photovoltaic facilities shall comply with the following standards. Additionally, such facilities shall also comply with all the requirements established by other sections of this Development Code that are not in conflict with the requirements contained in this Chapter 35.59 (Utility-Scale Solar Photovoltaic Facilities).

- A. View protection.** Utility-scale solar photovoltaic facilities shall be designed and located in a manner to minimize adverse visual impacts from public viewing areas (e.g., scenic highways, recreational trails, public parks). To the greatest extent feasible, the utility-scale solar photovoltaic facility shall:
1. Avoid significant visual impacts to designated or eligible designated scenic highways.
 2. Apply aesthetic design treatments to and maintain all structures, including fencing, onsite buildings and panel mounting structures where needed, to minimize visual impacts to the existing visual character of the project area. Aesthetic design treatments include fence slats, decorative walls, landscaping, painting and application of other finishes to reduce the visibility of structures and reduce glare.
 3. Minimize night lighting by only utilizing construction and operational lighting that is of low intensity, low glare design, located at a minimum height, and hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots.
 4. Minimize glare and spectral lighting from solar panels and hardware.
- B. Protection of agricultural land.** Utility-scale solar photovoltaic facilities shall minimize adverse agricultural impacts by permanently preserving off-site agricultural land if the project requires the

conversion of prime agricultural land and/or Important Farmland shown on the Department of Conservation's Important Farmland Maps to non-agricultural use, or impairs agricultural productivity. The applicant of utility-scale solar photovoltaic facilities shall:

1. Prior to issuance of any grading or building permit, provide written evidence to the Department of the completion of the permanent preservation of off-site agricultural land of equal or better agricultural quality at a ratio of 1:1 for each acre that is either converted or impaired through one of the following methods:
 - a. Funding and purchase of agricultural conservation easements.
 - b. Purchase of credits from an established agricultural farmland mitigation bank.
 - c. Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland.
 - d. Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above.
2. Prior to issuance of any grading or building permit, submit a site-specific Integrated Pest and Weed Management Plan to the Department in a form that is acceptable to the Department.
 - a. The Integrated Pest and Weed Management Plan shall:
 - (1) Require use of County approved herbicides or mechanical weed removal methods or grazing animals (e.g., goats) depending on which is most appropriate for the suppression or eradication of the weed species and their locations.
 - (2) Describe when herbicides would be used, factors that would prohibit use of herbicides (such as high wind), and the specific type of herbicides proposed.
 - (3) Document measures that would be used for pest control, as applicable; however the use of rodenticides shall be prohibited on the project site.
 - b. The plan shall be implemented during facility installation and throughout the life of the facilities.
3. Prior to issuance of zoning clearance, submit a Demolition and Reclamation Plan with associated financial assurance to the Department in a form that is acceptable to the Department. The financial assurance shall be sufficient to guarantee the removal of the facility, including all of its components, upon the completion of facility operations, in order to allow the land to be utilized for agricultural uses or uses consistent with current land use plans, policies, and zoning requirements in place at the time of completion of facility operations.

C. Sensitive biological resource protection. Utility-scale solar photovoltaic facilities shall be designed and located in a manner so as to minimize any adverse biological impacts. The utility-scale solar photovoltaic facility shall:

1. Be designed and located in order to avoid any significant adverse impacts to known sensitive natural communities, rare and special-status plant species, special-status wildlife species and their habitats, critical habitat corridors, and nesting birds. Facilities shall also be designed to avoid the removal of any native specimen trees unless determined to be infeasible, in which case a tree replacement plan shall be required in accordance with County standards.
2. Minimize the potential for raptor electrocution by utilizing the recommendations contained in the most current "Avian Protection Plan Guidelines" and "Reducing Avian Collisions with Power Lines" as promulgated by the Edison Electric Institute's Avian Power Line Interaction Committee

regarding power line spacing and construction and work procedures.

- D. Geologic hazards avoidance.** Utility-scale solar photovoltaic facilities shall be designed and located in a manner to minimize adverse geologic impacts. The utility-scale solar photovoltaic facility shall:
1. Be sited and designed to avoid significant geologic impacts considering soil types, soil and groundwater conditions and geologic and seismic hazards.
 2. Avoid areas with slopes that exceed 20 percent, or require cut slopes having a height of 15 feet or greater.
 3. Control erosion, minimize flooding, and minimize degradation of water quality during facility construction and operation. Measures shall include use of temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices. Impacts to surface water due to sedimentation of streams shall be mitigated to the maximum extent feasible through adequate erosion and sediment controls.
- E. Fire prevention.** Utility-scale solar photovoltaic facilities shall include a fire prevention plan to identify sources of fire hazards and methods to mitigate fire hazards during construction and throughout operation of the project. Prior to issuance of any grading or building permit a County Fire Department-approved plan shall be submitted to the Department.
- F. Hazardous material avoidance.** Utility-scale solar photovoltaic facilities shall be located to avoid sites that are known to be contaminated or are listed on agency databases as requiring clean-up action. If avoidance is not feasible, then any contamination shall be appropriately evaluated, characterized, and remediated in accordance with County, State Regional Water Quality Control Board, and California Department of Toxic Substances Control standards prior to construction of the utility-scale photovoltaic facilities.
- G. Noise level reduction.** Utility-scale solar photovoltaic facilities shall be designed and located in a manner to avoid any significant adverse construction and operational noise impacts to noise sensitive uses as determined by the Noise Element of the Comprehensive Plan.
- H. Traffic hazard prevention.** Utility-scale solar photovoltaic facilities shall minimize traffic hazards by implementing a project-specific Traffic Control Plan. Prior to the issuance of any zoning clearance, a County Traffic Engineer-approved Traffic Control Plan shall be submitted to identify adequate traffic control measures during construction to avoid significant impacts with vehicles and pedestrians.
- I. Waste reduction.** Utility-scale solar photovoltaic facilities shall minimize waste generated during construction and operation.

35.59.050 - Post-Approval Procedures

The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration) shall apply following the decision on an application for a Conditional Use Permit.

ARTICLE 35.6

Resource Management

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CHAPTER 35.60 - RESOURCE PROTECTION STANDARDS

Sections:

- 35.60.010 - Purpose
- 35.60.020 - Applicability
- 35.60.030 - Reserved
- 35.60.040 - Archaeological Resources
- 35.60.050 - Reserved
- 35.60.060 - Reserved
- 35.60.070 - Reserved
- 35.60.080 - Reserved
- 35.60.090 - Reserved

35.60.010 - Purpose

This Chapter provides standards for resource protection and coastal access.

35.60.020 - Applicability

The standards in this Chapter apply to proposed development and land uses ~~only on sites within the Coastal Zone unless specifically indicated otherwise.~~

35.60.030 - Reserved

35.60.040 - Archaeological Resources

- A. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to avoid impacts to the cultural sites if possible.
- B. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, adequate mitigation shall be required. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- C. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites.
- D. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites.

35.60.050 - Reserved

35.60.060 - Reserved

35.60.070 - Reserved

35.60.080 - Reserved

35.60.090 - Reserved

CHAPTER 35.62 - RIDGELINE AND HILLSIDE DEVELOPMENT

Sections:

- [35.62.010 - Purpose](#)
- [35.62.020 - Applicability](#)
- [35.62.030 - Reserved](#)
- [35.62.040 - Ridgeline and Hillside Development Guidelines](#)

35.62.010 - Purpose

This Chapter describes the County's requirements for development on sloping lots and ridgeline sites.

35.62.020 - Applicability

The requirements of this Section apply ~~within the Coastal Zone and the Inland area~~ except where specifically stated otherwise.

35.62.030 - Reserved

35.62.040 - Ridgeline and Hillside Development Guidelines

The following standards are applicable ~~within the Coastal Zone and the Inland area~~.

- A. Purpose and intent.** This section provides for the visual protection of the County's ridgelines and hillsides by requiring that the Board of Architectural Review evaluate each proposed structure within the areas identified in Subsection B (Applicability) below, in terms of the guidelines in Subsection C (Development guidelines) below. The intent of this Section is to encourage architectural designs and landscaping that conform to the natural topography on hillsides and ridgelines.
- B. Applicability.** Each structure proposed where there is a 16-foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) for conformity with the development guidelines in Subsection C (Development guidelines) below.
 - 1. Exempt structures.** The following structures are exempt from these guidelines.
 - a. Windmills and water tanks for agricultural purposes.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications, or similar services.
 - 2. Exemptions allowed by Board of Architectural Review.** The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with [Section 35.82.070 \(Design Review\)](#) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. 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.
 - b. 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.
 - c. If the Board of Architectural Review grants an exemption to the 16-foot height limit for a

non-agricultural structure located within the rural area of the Toro Canyon Plan area, then the Board of Architectural Review shall adopt a written finding that describes how the project complies with the applicable exemption criteria above.

3. **Exemptions allowed by the Director.** The Director may exempt a new structure or an alteration to an existing structure from compliance with these guidelines if the Director determines that the proposed site is on or adjacent to a minor topographic variation (e.g., gully), such that the 16-foot drop in elevation is not the result of a true ridgeline or hillside condition.

C. **Development Guidelines.** Ridgeline and hillside development shall comply with the following guidelines as specified in Subsection C.1 (Guidelines - Application and interpretation) below, except where a project is exempted from the guidelines in compliance with Subsection B. (Applicability) above.

1. **Guidelines - Application and interpretation.** The Board of Architectural Review shall have the discretion to interpret and apply the following guidelines.

- a. **Urban areas.** The following guidelines shall apply within Urban areas as designated on the Comprehensive Plan maps.

- (1) The height of a structure should not exceed 25 feet wherever there is a 16-foot drop in elevation within 100 feet of the proposed structure's location.
- (2) Proposed structures should be in character with adjacent structures.
- (3) Large understories and exposed retaining walls should be minimized.
- (4) Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- (5) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

- b. **Rural, Inner Rural, and Existing Developed Rural Neighborhood—~~and Rural Neighborhood~~.** The following guidelines shall apply within Rural, Inner Rural, and Existing Developed Rural Neighborhood (~~Inland area~~) and Rural Neighborhood (~~Coastal Zone~~) areas as designated on the Comprehensive Plan maps.

- (1) The height of any structure should not exceed 16 feet wherever there is a 16-foot drop in elevation within 100 feet of the location of the proposed structure's location.
- (2) Building rake and ridge line should conform to or reflect the surrounding terrain.
- (3) Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- (4) Large, visually unbroken and/or exposed retaining walls should be minimized.
- (5) Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- (6) Grading shall be minimized, in compliance with the Comprehensive Plan.
- (7) Development on ridgelines shall be discouraged if suitable alternative locations are available on the lot.

CHAPTER 35.64 - TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 35.64.010 - Program Purpose and Intent, Description and Goals
- 35.64.020 - Applicability
- 35.64.030 - Definitions
- 35.64.040 - Program Administration
- 35.64.050 - Sending Sites
- 35.64.060 - Receiving Sites
- 35.64.070 - Reserved
- 35.64.080 - Amenity Funds
- 35.64.090 - Transfer of Development Rights Authority
- 35.64.100 - Inter-Jurisdictional Agreements
- 35.64.110 - General Limitations

35.64.010 - Program Purpose and Intent, Description and Goals

- A. Purpose and intent.** The provisions of this Chapter implement the Transfer of Development Rights program. The intent of this program is to transfer development potential from eligible Naples lots to eligible receiving sites along the South Coast of Santa Barbara County in furtherance of Coastal Land Use Plan Policy 2-13. The overriding purpose is to extinguish the rights to develop Naples lots determined to have the greatest public benefit by the Board.
- B. Description.**
1. The Transfer of Development Rights program is a market-driven program involving willing sellers and willing buyers. Landowners are not obligated to use the program but may participate voluntarily. The Transfer of Development Rights program allows eligible sending site (lots targeted for preservation) landowners to sever the development right(s), as defined in this Chapter, from rights associated with land ownership. Sending site landowners that choose to participate in the program are compensated at fair market value for the lost development potential through market sales of those development rights. Once the development rights are sold, the land is protected from future development in perpetuity through conservation easements. Sending site landowners are incentivized to participate since they can forego the lengthy and often costly development approval and building process yet receive payments commensurate with the realized profits of their property built to its highest and best use.
 2. Eligible receiving sites (lots to accommodate development) in the unincorporated areas of the County may be developed at higher densities than otherwise allowed under current zoning with requisite purchases of “density credits.” So called receiving site developers are incentivized to participate since they are able to realize greater profits through enhanced entitlements.
 3. Participating Entities that adopt plans and ordinances to allow for increased density on receiving sites may opt to participate in the County’s Transfer of Development Rights program through legally binding inter-jurisdictional agreements.
- C. Goals.**
1. The primary goal of the Transfer of Development Rights program shall be to transfer the maximum number of development rights from Naples Townsite lots that serve one or a combination of the following objectives onto properties more suitable for development that lie within Urban areas designated on the Comprehensive Plan maps that are located within the South Coast and provide for the:
 - a. Preservation of Naples lots most visible from Highway 101.

- b. Preservation of Naples lots located within the Coastal Zone.
 - c. Preservation of Naples lots located on or adjacent to a coastal bluff.
 - d. Preservation of Naples lots located on prime agricultural land.
 - e. Preservation of Naples lots within or near environmentally sensitive habitat areas.
 - f. Preservation of Naples lots within or near culturally or archaeologically sensitive areas.
 - g. Preservation of Naples lots for other conservation purposes as the Board may direct, upon a recommendation of the Planning Commission.
2. The preservation objectives appearing in Section 35.64.010 C.1. are listed without regard to order of priority. For funds derived from the purchase of transferable development credits, the Board, upon a recommendation from the Planning Commission, shall designate and prioritize transfers by Resolution at such intervals as it may so determine is appropriate in relation to funds available to effectuate transfers. For all other funds deposited with the TDR Authority pursuant to Section 35.64.090, priorities may be designated by the contributor (e.g., Participating Entity, private donor, etc.); if priorities are not so established by the contributor, the priorities established by Board Resolution shall apply.

35.64.020 - Applicability

The provisions of this Chapter shall apply to eligible Naples Townsite sender lots and designated receiving sites along the South Coast of Santa Barbara County.

35.64.030 - Definitions

The Section provides definitions of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section conflict with definitions in other sections of this Development Code or other provisions of the County Code, these definitions shall control for the purposes of this Chapter.

Amenity funds. A percent of the revenue collected from TDR Authority sales of Transferable Development Credits that are set aside to fund infrastructure and park/recreational enhancements in receiving site neighborhoods as both an incentive and reward for accepting increased density.

Base density. The number dwelling units allowed on the receiving site under the property's current zoning.

Conservation easement. A legal deed restriction recorded on the title to the property that severs in perpetuity the right to develop dwelling unit(s), commercial, and/or industrial facilities on said property.

Development right. One of the rights associated with land ownership that entitles a landowner to develop his property in compliance with the local government General Plan and zoning regulations. For purposes of this Chapter, a development right is limited to principal permitted uses (i.e., uses that do not require the approval of a Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits)) that entail physical alteration of real property including residential, commercial and industrial uses; however open space, grazing and agricultural crop production are expressly excluded.

Grid lots. Legal lots recognized under the Official Map.

Inter-jurisdictional agreement: A legal agreement to transfer development potential between the County and a Participating Entity. The agreement articulates the conditions tied to the transfer of development rights to ensure that both jurisdictions mutually benefit.

Naples lots. One or a combination of: (a) grid lots; or (b) reconfigured lots resulting from lawful mergers, line adjustments and re-divisions approved by the County in connection with rezoning of all or part of the Naples Townsite pursuant to Coastal Land Use Plan Policy 2-13.

Naples Townsite. The area encompassed by the Official Map.

Neighborhood Enhancement Projects. Infrastructure and park/recreational enhancements constructed in receiving site neighborhoods as an incentive or concession to approving receiver sites which are in addition to any developer impact fees or mitigation otherwise required in compliance with the California Environmental Quality Act.

Official Map. The Official Map of Naples approved by the Board on October 3, 1995, and filed for the record on December 19, 1995, in Book 99, at Pages 4 through 9 of Maps.

Participating Entity. A governmental organization having land use authority within Santa Barbara County (e.g., incorporated Cities, University of California, California Division of Fairs and Expositions, United States Government, etc.) that has entered into an inter-jurisdictional agreement to participate in the Transfer of Development Rights program.

Pre-screen. A preliminary application and non-binding advisory determination of the appropriate density for a potential receiver site.

Receiving site. Legal lot(s) the County (or Participating Entity) has determined to be appropriate for increased development density with the purchase of transferable development credits.

Rural and Urban areas. Rural and Urban areas as designated on the Comprehensive Plan maps.

Sending site. Legal lots identified by the County pursuant to Section 35.64.050 (Sending Sites), the underlying development rights to which, at the landowner's discretion, may be severed and sold to the TDR Authority.

South Coast. The unincorporated area located east of Highway 101 at Gaviota, south of the ridge of the Santa Ynez Mountains, and west of the Ventura County line.

TDR Authority. The Transferable Development Rights Authority established pursuant to Section 35.64.090, which may be a governmental agency, or a non-governmental agency such as a local land trust or national conservation organization, established and given authority by the County to buy transferable development rights and sell transferable development credits.

Transferable Development Credit. A certificate which grants one additional dwelling unit above base density, on specified receiving sites, that can only be purchased from the TDR Authority.

Transferable Development Credit Density Bonus. The number of additional units above base density that can be built in association with a County approved receiving site project with the purchase of transferable development credits.

Transferable Development Rights. Development rights, as defined in this Chapter, from sending sites that can voluntarily severed from the associated with the property's ownership at the initiation of the landowner and sold to the TDR Authority.

35.64.040 - Program Administration

The Department and Director shall have principal responsibility for administration of Transfer of Development Rights under the provisions of this Chapter. Except or unless otherwise noted, the provisions of this Chapter are expressly applicable to the County. Terms, conditions and procedures applicable to Participating Entities shall be clarified through inter-jurisdictional agreements.

35.64.050 - Sending Sites

- A. Sending site eligibility.** Properties that meet all the criteria listed below shall qualify as eligible sending sites:
1. Lots within the Naples Townsite that the Board prioritizes for transfer in compliance with goal number one of Subsection 35.64.010.C.
 2. If lots have not received approval for rezoning from their current agricultural designation pursuant

to Coastal Land Use Plan Policy 2-13, then only the development rights that correspond to the lot arrangement shown on the Official Map shall be transferred. If rezoning occurs as provided under Coastal Land Use Plan Policy 2-13, then the development rights associated with the rezoning and lot reconfigurations (if any such lot reconfigurations are concurrently approved) shall be subject to transfer.

3. All eligible Naples lots shall be ranked as to their priority for transfer by resolution of the Board. The rank shall determine the order by which the TDR Authority purchases transferable development rights from sending sites.

B. Allocation of transferable development rights to sending sites. Each eligible Naples lot shall be entitled to one transferable development rights. Each transferable development right shall represent the legal right to build a primary and secondary dwelling unit on a legal lot which can be voluntarily severed from the rights associated with the property's ownership at the initiation of the landowner. Sending site transferable development rights shall only be sold to the TDR Authority.

C. Sending site application process.

1. **Application.** Landowners of lots that meet the eligibility requirements under Subsection 35.64.040.A and desiring to sell their transferable development rights shall file with the Department an application containing two copies of a preliminary title report no older than six months concerning the lot.
2. **Notice of eligibility.** Following submittal of an application, the Department shall prepare a written notice to the applicant that confirms the lot(s) as those the Board has approved, the lots priority rank, and a statement of the number of transferable development rights that can be allocated to each approved Naples sending lot.
3. **Issuance of sending site certificate.** Following recordation of a conservation easement(s), a certificate allocating transferable development rights shall be issued to the owner(s) of the property by the Department. A transferable development rights certificate shall be issued for each transferable development rights assigned to a legal lot as determined by Subsection 35.64.030.B that has a recorded a conservation easement. The certificate shall include a full legal lot description and its respective priority ranking.
4. **Sending site transferable development rights.** Sending site transferable development rights shall only be available for purchase by the TDR Authority, in order of their respective prioritization, after a certificate allocating transferable development rights has been issued to the lot owner(s) by the Department.
5. **Record of conservation easement.** As a condition prerequisite to the TDR Authority's purchase of transferable development rights, evidenced by certificates issued pursuant to this section, a conservation easement shall be recorded as a deed restriction on the property's title (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) shall be reviewed and approved by County Counsel prior to its recordation or execution. The easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, the development right(s) from ownership of the property.

35.64.060 - Receiving Sites

A. Receiving site eligibility.

1. **Unincorporated County sites.** Unincorporated properties that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits as defined in Section 35.64.030 (Definitions) of this Chapter must comply with all the following criteria:
 - a. The site must be located within the County's South Coast Housing Market Area as delineated in the County's Housing Element.

- b. The site must be within a designated Urban area.
 - c. The developable footprint of the site must have less than 30 percent slope.
 - d. The developable footprint of the site must not be located in a designated flood or geologic hazard area
 - e. The developable footprint of the site must not be under agricultural production or contain any land rated as Class I or Class II in the Natural Resource Conservation Service land use capability classifications.
 - f. The developable footprint of the site must not be located in an environmentally sensitive habitat area.
 - g. The developable footprint of the site must not be located in a culturally or archaeologically sensitive area.
2. **Participating Entity sites.** Properties within the land use authority of a Participating Entity that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits, as defined in Section 35.64.030 (Definitions) of this Chapter, shall be determined by the Participating Entity in accordance with the terms and conditions of the inter-jurisdictional agreement.

B. Receiving site application process/determination of density bonus. The processing of applications for receiver site designation and award of density bonus shall be expedited to the maximum extent feasible. The following procedure shall be used to approve receiving sites and identify the density bonuses obtainable on eligible receiving sites through transferable development credit purchases.

1. Landowners seeking designation of their properties as eligible receiving sites must file an application with the Department. The application must include the lot(s) Assessor's Parcel Number(s), current property ownership, preliminary title report not more than six months old, current zone designation and evidence supporting that the site meets the eligibility criteria.
2. The Department shall, within 30 days of the date an application is accepted as complete, notify the applicant if the site is an eligible receiving site based on the criteria of Subsection 35.64.050.A.
3. Sites that are determined to be eligible receiving sites shall require a pre-screen by the Commission, upon recommendation of the Director, to set: (a) the base density, and (b) the maximum allowable density obtainable on the site with transferable development credit purchases. The applicant must submit a preliminary draft conceptual plan and processing fee for the pre-screen analysis. The Director shall evaluate the application and report its findings to the Commission in the form of a recommendation as follows:
 - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required for Development Plans in compliance with Section 35.82.080 (Development Plans).
 - b. The base density shall represent the number of dwelling units allowed on the property under its existing zone designation;
 - c. The Director shall recommend an assignment of maximum density based upon neighborhood compatibility and existing surrounding land uses. This preliminary staff study shall serve as an initial assessment in an eventual environmental review in compliance with the California Environmental Quality Act to achieve final receiving site approval in compliance with Subsection B.4, below.
 - d. The Commission may accept, reject or modify the recommendation of the Director. The Commission's determination of maximum density is not vested "by right" to the property; rather, it shall only represent a maximum number of additional units not be exceeded with transferable development credit purchases. The actual additional transferable development

- credit density granted to the property shall be determined in compliance with Subsection B.4, below.
- e. The action of the Commission to determine the maximum density is final subject to appeal in compliance with Chapter 35.102 (Appeals).
4. Following the determination of density in compliance with Subsection 35.64.060.B.3, the applicant may submit a development application seeking a density less than or equal to the maximum density determined in compliance with Subsection 35.64.060.B.3. The application shall encompass all permits required for the project as specified in this Development Code and shall include, at a minimum, a Development Plan that provides details on the physical attributes of the project and environmental data necessary to conduct an initial study evaluation.
 - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required in compliance with this Development Code. All permit applications associated with the proposed project, as well as the related environmental documents, shall be noticed and heard concurrently.
 - b. If and when the development application is approved or conditionally approved, the Department will calculate the transferable development credit density bonus which shall reflect the number of transferable development credits available to the project based on the difference between the previously determined base density and the project density as approved by the County. The following criteria shall apply in calculating the transferable development credits density bonus:
 - (1) One transferable development credit shall equal one additional dwelling unit above base density;
 - (2) The vested transferable development credit density bonus shall be an option in addition to State density bonus law for receiving site applicants to achieve greater density. Where a receiving site applicant has requested a density bonus under both State housing law and this Transfer of Development Rights program, and such request exceeds the maximum allowable density obtainable on the site with transferable development credit purchases, State density bonus awards must be made before determining whether transferable development credits can be granted under this Transfer of Development Rights program.
 - c. Affordable units required under the Inclusionary Housing Policy of the County's Housing Element shall only apply to the base density of the receiving site that is determined in compliance with Subsection 35.64.050.B.3.b.
 5. Within the 30 calendar days following the County's final action on the project, the Department shall issue to the receiving site applicant transferable development credit certificates for each of the additional dwelling units, obtainable through transferable development credit purchase, that are granted by the Commission. The issuance of transferable development credits by the County to projects that may be appealed to the Coastal Commission may also be appealed to the Coastal Commission. If the project and/or the issuance transferable development credits is appealed to the Coastal Commission, the County shall not issue the transferable development credit certificates until the Coastal Commission takes final action.
 6. The receiving site applicant shall be allowed to purchase, only from the TDR Authority, a commensurate number of transferable development credits that are granted by the Commission for each receiving site.

7. The Department shall only grant authority to construct (e.g., ~~Coastal Development Permit~~, Land Use Permit, or Zoning Clearance, and Building Permits) to a receiving site applicant for a project with additional units that have certificates possessing official TDR Authority approval as indicated in Subsection 35.64.090.E. The TDR Authority approval shall be evidence to in-whole payment(s) by the receiving site applicant for the transferable development credit(s).

35.64.070 - Reserved

35.64.080 - Amenity Funds

The Transfer of Development Rights program shall require the TDR Authority, subject to agreement between the County and TDR Authority pursuant to Section 35.64.100.A, to allocate amenity funds, as defined in Section 35.64.030 (Definitions), as both an incentive and reward for accepting increased density in receiving site neighborhoods.

- A. Upon recommendation of the Planning Commission, amenity funds may only be allocated by the TDR Authority for infrastructure enhancements in neighborhoods with receiving sites built at greater densities than would normally be allowed under the zone designation. The designated use of Amenity Funds, if any, shall: (i) be made in conjunction with the receiver site application process pursuant to Section 35.64.060.B.; (ii) not exceed a maximum allocation of 10 percent of the value of the transferable development credits that are approved for a particular project; (iii) only be used to fund projects benefiting the area where the receiver site is located; and (iv) shall be in addition to any developer impact fees and mitigation required in compliance with the California Environmental Quality Act.
- B. The TDR Authority, upon the recommendation of the Planning Commission (or Participating Entity, as the case may be), shall allocate a maximum of 10 percent of the revenue received from the purchase of transferable development credits for a particular project into an enterprise fund managed by the TDR Authority (for receiver sites within unincorporated areas) or the Participating Entity (for receiver sites within incorporated municipal jurisdictions), the monies in which shall be expressly and solely pledged to plan, design, construct, install and administer infrastructure and park/recreational enhancements in receiving site neighborhoods.
- C. For receiver sites outside of the land use jurisdiction of the County, Participating Entities shall establish their own process and procedures for receiving and allocating Amenity Funds subject to the terms and conditions set forth in the Inter-Jurisdictional Agreement pursuant to Section 35.64.100.

35.64.090 - Transfer of Development Rights Authority

- A. **Purpose.** The County shall create a TDR Authority. The purpose of the TDR Authority shall be to:
1. Act as the sole intermediary between transferable development rights/transferable development credit sellers and buyers to facilitate the market between the often disparate values of sending site transferable development rights and receiving site transferable development credits;
 2. Manage a fund for continued land preservation with the Transfer of Development Rights program;
 3. Hold and/or transfer conservation easements to a third party trustee;
 4. Manage and allocate amenity funds;
 5. Maintain records of all commodity transactions; and
 6. Facilitate the drafting of inter-jurisdictional transferable development rights agreements between County and Participating Entities.
- B. **Administration of the TDR Authority.** The County shall designate, by resolution of the Board, the entity which shall be empowered and authorized to serve as the TDR Authority. The entity designated by the County shall be a non-profit organization, among whose purpose it is to conserve open space and/or natural resources of the conservation easement, preferably with experience in administrating TDR

programs and conservation easements. The designation may be changed from time to time at the convenience of the Board and shall be formalized by written agreement between the County and the TDR Authority which stipulates the terms and conditions of participation, including, at a minimum, compliance with the provisions of this Chapter.

- C. Voluntary participation.** The purchase and selling price of transferable development rights and credits shall be mutually agreed-upon by the TDR Authority and the seller/buyer of such rights and credits. The valuation methodology shall be established under rules approved by the Board pursuant to Section 35.64.090.J, and neither the TDR Authority, nor the seller/buyer of the transferable development rights or credits shall be obligated to participate in transactions if one or both parties find the valuation inappropriate. For the specific purpose of transferable development credits, the maximum price for each such credit shall be calculated as a percentage of land value, sufficiently discounted to induce participation, and shall be established in connection with Section 35.64.090.J.
- D. Conservation easements.** As part of each transaction involving the purchase of development rights, the TDR Authority shall record a conservation easement on the title of the sending site property (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, all rights to develop or use the property except for open space, grazing and agricultural crop production. The TDR Authority shall hold, or transfer to a third party trustee (the "Trustee") the conservation easement from said property (or equivalent legally enforceable mechanism). The Trustee shall be designated by the Board and shall be a conservation organization, among whose purposes it is to conserve open space and/or natural resources of the conservation easement.
- E. Sender site priorities.** The TDR Authority shall obtain transferable development rights from sending sites in order of priority as set forth by resolution of the Board in Subsection 35.64.050.A.3. In so doing, the TDR Authority shall be required to purchase transferable development rights from lots with higher priority ranking before purchasing transferable development rights from lots with lower priority ranking. As an example, and by way of illustrative purposes only, if the preservation of bluff lots is selected by the Board as the top priority and the overall estimated development right value of such lots is \$115 million, the purchase of development rights shall be restricted to bluff lots until the amount of funds on deposit with the TDR Authority exceed this threshold. Once funds exceed the amount of \$115 million, development rights can be purchased from the next highest priority category. In the event no secondary priority is selected, any lot at Naples would be eligible.
- F. Transferable development credit seller authorization.** The TDR Authority can be designated as the sole seller of transferable development credits and shall be allowed to sell transferable development credits to applicants of approved receiving sites as determined in Section 35.64.060 (Receiving Sites) or other interested parties.
- G. TDR Authority expenditures of funds.** The TDR Authority shall only use the revenue collected from the sales of transferable development credits in the following ways:
1. Purchase transferable development rights from Naples sending sites.
 2. Allocation of amenity funds.
 3. Cover administrative and overhead costs.
 4. Repay investment contract obligations made with the TDR Authority.
 5. Purposes explicitly agreed to by any contract between the County and the TDR Authority.
- H. TDR Authority management of investment funds.** The TDR Authority Board, in addition to buying transferable development rights and selling transferable development credits, may seek to attract private capital and public loans or grants to capitalize the TDR Authority's revolving fund for continued land preservation.
- I. Facilitate inter-jurisdictional agreements.** The TDR Authority shall serve to facilitate and negotiate with Participating Entities the terms and conditions of any inter-jurisdictional agreement involving the

transfer of transferable development rights and/or transferable development credits. The TDR Authority Board shall, prior to finalization of an inter-jurisdictional agreement, seek Board approval of the conditions put forth.

- J. Adoption of rules.** The TDR Authority Board shall adopt bylaws or operating guidelines that include rules for the transaction of business and shall keep a public record of its resolutions, transactions and investments. The bylaws and rules adopted by the TDR Authority Board shall be subject to review and approval by the Board of Supervisors.

35.64.100 - Inter-Jurisdictional Agreements

- A. Purpose.** The County and any jurisdictions that voluntarily participate in the County's Transfer of Development Rights program shall enter into an inter-jurisdictional agreement. The purpose of such an agreement shall be to ensure that each jurisdiction can condition development right transfers such that both parties mutually benefit.
- B. Key components.** A binding inter-jurisdictional agreement between the County and Participating Entity shall address at minimum the following components:
1. Specific sending sites mutually-agreed upon by the County and the Participating Entity from which to transfer development rights.
 2. The ways by which the Participating Entity interfaces with the TDR Authority; at minimum these shall include:
 - a. The terms by which the Participating Entity and the TDR Authority negotiate to determine the transferable development rights purchase price.
 - b. The terms by which the Participating Entity agrees to transfer funds to the TDR Authority.
 - c. The terms by which the Participating Entity uses the TDR Authority, if at all, to sell density credits in its jurisdiction.
 3. The process by which the TDR Authority pays receiving site amenity funds, if any, to the Participating Entity; this shall address at minimum:
 - a. The amount of money the County is to pay the Participating Entity.
 - b. The purposes for which the money will be used and how it will be expended.
 - c. The timeframe for the Participating Entity to exercise the County's funds.
 4. Notification process for the Participating Entity and County to inform each other.
 5. The effective date and duration of the agreement.
 6. The conditions that would terminate the agreement.
 7. The situations that constitute Participating Entity and/or County negligence.

35.64.110 - General Limitations

- A. Functional Separation.** The TDR Authority's designation and appointment Section 35.64.090 shall be subject to and contingent upon the TDR Authority's acceptance of the provisions of Section 35.64.090 and other such terms as the parties may agree to including, but not limited to, liability and indemnification.
- B. Applicable Law.** Nothing in this chapter shall abrogate, limit, expand or otherwise affect any powers, rights, or duties granted to, or imposed on, the board of supervisors by division 3 of title 3 of the Government Code or any other applicable law.
- C. Severability.** If any section, subsection, clause or provision of this chapter is held invalid, the remainder

of this chapter shall not be affected by such invalidity.

ARTICLE 35.7

Site Development Regulations

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CHAPTER 35.76 - ROAD NAMING AND ADDRESS NUMBERING

Sections:

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- 35.76.020 - Applicability
- 35.76.030 - Areawide Address Numbering System
- 35.76.040 - Road Name and Status Index
- 35.76.050 - Road Names - Procedure, Standards and Signs
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- 35.76.070 - Administration
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35.76.010 - Purpose

This Chapter provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

35.76.020 - Applicability

- A. Affected areas, roads, structures.** The address numbering system will be implemented through the adoption of specific areawide systems by resolution of the Board after recommendation by the Commission. The address numbering areawide systems are applicable to:
1. All roads and structures located within the boundaries of adopted areawide address numbering systems (see also [Section 35.42.020 \(Accessory Structures and Uses\)](#)); and
 2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted areawide address numbering system.
- B. Existing road standards.** The adoption and implementation of this Chapter shall not affect or supersede County standard details relative to road standards, as adopted by Board resolution and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

35.76.030 - Areawide Address Numbering System

- A. Boundaries.** The boundaries of each areawide system shall be established by Board resolution after a recommendation by the Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.
- B. Maps.**
1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the areawide address numbering systems.
 2. Each adopted areawide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.
 3. Each map adopted in compliance with this Chapter is available for public review in the Fire Department.

35.76.040 - Road Name and Status Index

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

35.76.050 - Road Names - Procedure, Standards and Signs

- A. Road names required.** A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.
- B. Naming or renaming an existing road.**
- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
 - 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
 - 3. Public hearing.**
 - a. Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.
 - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#). Additionally, notice shall be provided in compliance with the following:
 - (1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - (2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
 - (1)** Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

- (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.
- (2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.76.050.B.3.c.(1) is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Commission's hearing agendas.

d. Action of review authority.

- (1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- (2) **Action of the Director.**
 - (a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - (b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with [Chapter 35.102 \(Appeals\)](#).

e. Recording action. Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. Notification after change. After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. Continuation of existing named road. A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

- (1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
- (2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#) and shall be filed in conjunction with the application for the tentative map.
- (3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- (4) **Appeal.** The decision of the review authority is final subject to appeal in compliance

with [Chapter 35.102 \(Appeals\)](#).

- D. Road name selection.** Each selected road name shall comply with the following standards.
- 1. Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
 - 2. Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).
 - 3. Continuity.**
 - a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
 - b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
 - c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.
 - 4. Extra words.** Unnecessary words shall be avoided. Words that may be used are limited to the following:
 - a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
 - b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.
- E. Road name signs.**
- 1. Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.
 - 2. Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.
 - a. Each road name sign shall be installed in compliance with current County Standard requirements.
 - b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue.
 - c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
 - d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County Standards Requirements and Subsection F.3 (Signs for

public roads) below.

3. Signs for public roads.

- a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the requirements for County Standard Street Name Signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.
- b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

- a. Road name signs shall be required for each road created by the subdivision.
- b. Road name signs may be required for existing roads providing access to the subdivision.
- c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

35.76.060 - Address Numbers - Procedures, Standards and Display

A. Procedure for assigning address numbers.

1. **Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
2. **Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. **Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots) below regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.

- e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the United States Postal Service.
2. **Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply with Subsections B.1.a through B.1.c above.
3. **Accessory structures.** Except for as provided below, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.
 - a. A street address number shall be issued for an accessory dwelling unit if required by the Fire Department.

C. Display of address numbers.

1. **New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance with Subsections C.4 through C.6 below.
2. **Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsections C.4 through C.6 below, and shall remove any obsolete number.
3. **Ranching or agricultural operation over 200 acres.** The owner or tenant of a new or existing structure shall display the address number in compliance with Subsections C.4 through C.6 below.
4. **Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color.
5. **Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 7-1 (Display of Address Numbers) illustrating the correct manner of display.
6. **Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 7-2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.
7. **Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 7-3 (Address Numbers on Mailboxes) below.

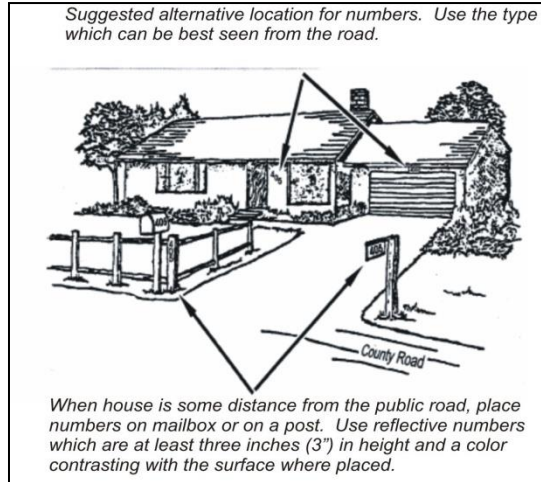


Figure 7-1 - Display of Address Numbers

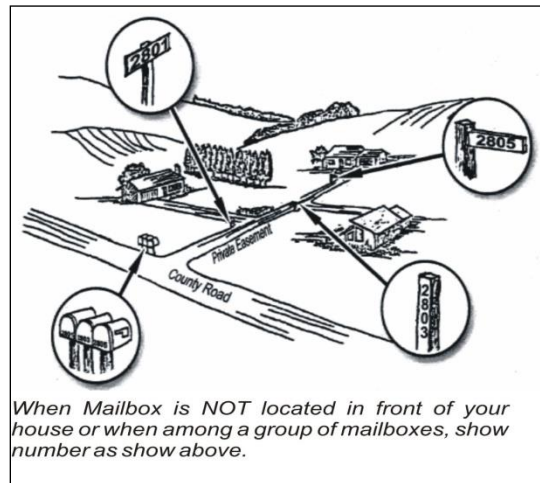


Figure 7-2 - Display of Address Numbers

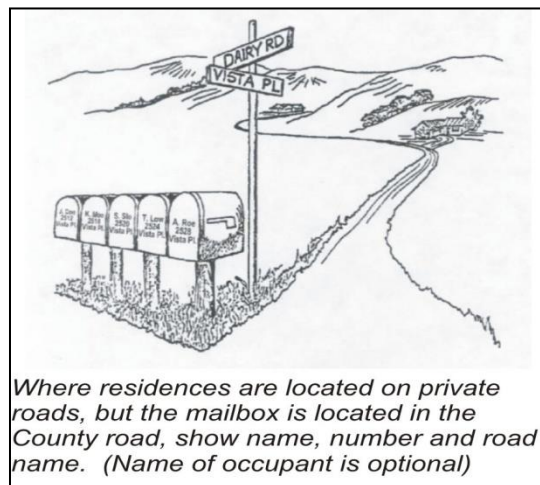


Figure 7-3 - Address Numbers on Mailboxes

35.76.070 - Administration

All road names and address numbers shall be issued by the County Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the County Public Works Department or at its direction, in compliance with [Section 35.76.050 \(Road Names - Procedure, Standards and Signs\)](#) above.

35.76.080 - Enforcement

- A. Enforcement responsibility.** The County Fire Department shall enforce this Chapter and all of its provisions.
- B. Citation and penalties.** A person who fails to comply with the requirements of this Chapter shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Chapter are established by County Code Section 1-7 (General Penalty).

ARTICLE 35.8

Planning Permit Procedures

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CHAPTER 35.80 - PERMIT APPLICATION FILING AND PROCESSING

Sections:

- 35.80.010 - Purpose and Intent
- 35.80.020 - Authority for Land Use and Zoning Decisions
- 35.80.030 - Application Preparation and Filing
- 35.80.040 - Application Fees
- 35.80.050 - Initial Application Review

35.80.010 - Purpose and Intent

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the planning permit applications required by this Development Code.

35.80.020 - Authority for Land Use and Zoning Decisions

A. Review Authority.

1. Table 8-1 (Review Authority) below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.
2. Any reference to the Board of Architectural shall actually refer to the Design Review body with jurisdiction in compliance with Chapter 2 of the County Code.

B. Applications subject to more than one review authority.

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one review authority in compliance with Table 8-1 (Review Authority) below, all applications for the project shall be under the jurisdiction of the review authority with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Commission;
 - c. Zoning Administrator and;
 - d. Director.
2. If the Board is the review authority for a project due to a companion discretionary application (e.g., Zoning Map Amendment) the Commission shall make an advisory recommendation to the Board on each project.
3. This Section shall not apply to applications for:
 - ~~a. Coastal Development Permits submitted in compliance with Section 35.82.050 (Coastal Development Permits) that do not require a public hearing in compliance with Section 35.82.050 (Coastal Development Permits).~~
 - ba. Design Review submitted in compliance with [Section 35.82.070 \(Design Review\)](#).
 - eb. Emergency Permits submitted in compliance with [Section 35.82.090 \(Emergency Permits\)](#).
 - ed. Land Use Permits submitted in compliance with [Section 35.82.110 \(Land Use Permits\)](#).
 - ed. Sign Certificates of Compliance required in compliance with [Chapter 35.38 \(Sign Standards\)](#).
 - fe. Zoning Clearances submitted in compliance with [Section 35.82.210 \(Zoning Clearance\)](#).

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Reasonable Accommodation	See Chapter 35.37 (Reasonable Accommodation) for applicable Review Authority			
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (3) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150 (Overall Sign Plans)			
Reclamation and Surface Mining Permits (5)			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision (6)	Appeal
Variations		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Chapter 35.102 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Commission files its recommendation with the Board.
- (3) The Board of Architectural Review with jurisdiction in compliance with County Code Chapter 2 shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review is appealable to the Commission; the decision of the Commission is appealable to the Board.
- (4) The Zoning Administrator is the review authority for Land Use Permits approved in compliance with Section 35.42.190 (Home Occupations) and Section 35.82.110 (Land Use Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate a interim management plan that is required due to a surface mining operation becoming idle.
- (6) Within the SC (Shopping Center) zone the Director is the review authority for applications for Use Determinations that comply with Section 35.20.030.A.3(b). The decision of the Director may be appealed to the Planning Commission and Board of Supervisors in compliance with Chapter 35.102 (Appeals).

~~C. Applications subject to review by the Coastal Commission. In addition to the review authority identified in Table 8-1, final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.~~

- ~~1. Amendments to the certified Local Coastal Program.~~
- ~~2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35.102.060 (Appeals to the Coastal Commission).~~

35.80.030 - Application Preparation and Filing

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

1. Defense and indemnification agreement.

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

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

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

35.80.040 - Application Fees

- A. Fee schedule.** The Board shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Development Code, hereafter referred to as the Board's Fee Resolution.
- B. Timing of payment.** Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.
- C. Refunds and withdrawals.** The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

35.80.050 - Initial Application Review

A. Filing and acceptance of an application. An application is considered to be filed after it has been accepted for processing by the Department and required fees and/or deposits have been paid. The Director shall review each application for receipt of all submittal requirements and accuracy prior to

acceptance of the application. The Director's acceptance of an application for processing shall be based on the Department's list of required application contents (see [Section 35.80.030 \(Application Preparation and Filing\)](#) above).

- B. Special provisions for applications subject to review under the California Environmental Quality Act.** Projects subject to environmental review as required by the California Environmental Quality Act shall be subject to the following requirements:
- 1. Notification of applicant.** As required by Government Code Section 65943, within 30 calendar days of either the initial application filing or subsequent filings after a determination of application incompleteness has been made, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Incomplete letter, shall be provided.
 - 2. Appeal of determination.** After an initial determination of application incompleteness, where the Director has determined for a second or additional time that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with [Chapter 35.102 \(Appeals\)](#).
 - 3. Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness or incompleteness shall occur. The time available to an applicant for submittal of additional information is limited by Subsection B.4 (Expiration of application) below.
 - 4. Expiration of application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within 90 days following the date of the letter, the application shall expire and be deemed withdrawn, without any further action by the County.
 - b. The Director may grant one 90-day extension.
 - c. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated fees.
 - 5. Environmental information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the requirements of the California Environmental Quality Act Guidelines.
- C. Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code or State or Federal law, an application may be referred to any County department or public agency that may be affected by or have an interest in the proposed project.
- D. Right of entry/inspection.** Every applicant seeking a permit or any other action in compliance with this Development Code shall allow County staff involved in the review of the application access to any premises or property which is the subject of the application at all reasonable times.

CHAPTER 35.82 - PERMIT REVIEW AND DECISIONS

Sections:

- 35.82.010 - Purpose and Intent
- 35.82.020 - Effective Date of Permits
- 35.82.030 - Applications Deemed Approved
- 35.82.040 - Permits to Run with the Land
- 35.82.050 -- ~~Recordable Documents~~ Reserved
- 35.82.060 - Conditional Use Permits and Minor Conditional Use Permits
- 35.82.070 - Design Review
- 35.82.080 - Development Plans
- 35.82.090 - Emergency Permits
- 35.82.100 - Hardship Determinations
- 35.82.110 - Land Use Permits
- 35.82.120 - Limited Exception Determinations
- 35.82.130 - Modifications
- 35.82.140 - Nonconforming Status and Extent of Damage Determinations
- 35.82.150 - Overall Sign Plans
- 35.82.160 - Reclamation and Surface Mining Permits
- 35.82.170 - Sign Certificates of Conformance
- 35.82.180 - Sign Modifications
- 35.82.190 - Use Determinations
- 35.82.200 - Variances
- 35.82.210 - Zoning Clearance

35.82.010 - Purpose and Intent

This Chapter provides procedures for the review, and approval, conditional approval, or denial of the planning permit applications established by this Development Code.

35.82.020 - Effective Date of Permits

A. ~~Coastal Zone.~~

1. ~~Development not appealable to the Coastal Commission.~~ The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with Chapter 35.102 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.
2. ~~Development appealable to the Coastal Commission.~~ The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:
 - a. ~~The expiration of the Coastal Commission's 10 day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County's final action unless otherwise indicated in the planning permit; and~~
 - b. ~~Where an appeal of the review authority's action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable review authority in compliance with Chapter 35.102 (Appeals) unless otherwise indicated in the planning permit.~~

~~e. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.~~

BA. Effective Date of Permit~~Inland area.~~

1. The approval of a planning permit for a project ~~in the Inland area~~ shall become effective on the eleventh day following the date of application approval by the appropriate review authority where an appeal of the review authority's action has not been filed in compliance with [Chapter 35.102 \(Appeals\)](#) unless otherwise indicated in the planning permit.
2. If appealed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

CB. Extension of effective date. The effective date shall extend to 5:00 p.m. on the following working day where the eleventh day falls on a weekend, holiday, or other day the County ~~or California Coastal Commission~~ offices are not open for business.

DC. No entitlement for development. No entitlement for the use or development shall be granted before the effective date of the planning permit.

35.82.030 - Applications Deemed Approved

A planning permit application ~~for property located outside of the Coastal Zone~~ that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code which shall be satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is established.

35.82.040 - Permits to Run with the Land

~~A Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Development Plan, Design Review, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance approval or other planning permit approved in compliance with this Chapter shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with this Chapter or as otherwise specified in the planning permit. All applicable conditions of approval shall continue to apply after a change in property ownership.~~

35.82.050 - Recordable Documents~~Reserved~~

In addition to any requirements to record a Notice to Property Owner for certain identified land uses pursuant to Division 4 (Zoning Districts), Division 7 (General Regulations), and Division 18 (Gaviota Coast Plan (GAV) Overlay), applicants shall record a Notice to Property Owner, Agreement, or other document, for the following matters related to real property, when a condition of approval of a planning permit or other land use entitlement requires it.

A. Notices to Property Owners. Any notice to property owner required by this Development Code, including, but not limited to, the following, are recordable documents.

1. Accessory structure.
2. Agricultural employee dwelling.
3. Building and development envelopes.
4. Buyer beware/notification regarding availability of public water and/or sewer.
5. Development exclusion areas.
6. Development standards and other provisions when required pursuant to a community plan.
7. Fencing to allow animal passage.

8. Fuel management zones.
9. Landscaping maintenance.
10. Plans (e.g., a solid waste management plan or habitat management plan) or actions (e.g., maintenance activities) that an applicant must implement, maintain, and/or take for an extended period of time (e.g., for the life of a project).
11. Temporary dwelling unit (or temporary second unit).
12. Watchman's trailer.

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this Development Code, including, but not limited to, provision of an offsite parking easement.
2. Compliance with project and/or permit conditions of approval.
3. Implementation of historic structural preservation and restoration/renovation plan or program.
4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
5. Maintenance of stormwater quality and retention measures.
6. Prohibitions on high water use/consumption businesses.
7. Resale Restrictive Covenant and Preemptive Right.
8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

35.82.060 - Conditional Use Permits and Minor Conditional Use Permits

- A. Purpose and intent.** The purpose of this Section is to provide for uses that are essential or desirable but cannot be readily classified as allowed uses in individual zones by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this Section is to provide for specific consideration of these uses.
- B. Applicability.** The provisions of this Section shall apply to those uses listed within this Development Code as requiring either a Conditional Use Permit or Minor Conditional Use Permit. The following references in this Section to Conditional Use Permits shall be interpreted to include both Conditional Use Permits and Minor Conditional Use Permits unless otherwise noted.
- C. Contents of application.** An application for a Conditional Use Permit shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
1. ~~If an application for a Conditional Use Permit is submitted for a property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Conditional Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with Conditional Use Permit application except when the Coastal Commission approves the Coastal Development Permit because:~~
 - a. ~~The development is located within the retained permit jurisdiction of the Coastal Commission,~~
or
 - b. ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~
- D. Processing.**
1. After receipt of an application for a Conditional Use Permit, the Department shall review the

application in compliance with the requirements of the California Environmental Quality Act.

2. Notice of the filing of an application shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
3. The Department shall refer the application for a Conditional Use Permit to the Subdivision/Development Review Committee for review and recommendation to the review authority.
4. **Design review required.** Except for Accessory Dwelling Units approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#), the following applications shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).
 - a. An application for a Conditional Use Permit.
 - b. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Commission, or Board.
5. The review authority shall hold at least one noticed public hearing on the requested Conditional Use Permit and approve, conditionally approve, or deny the request.
6. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
7. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
8. Conditional Use Permits may be granted for a period of time and subject to conditions and limitations as may be required to protect the public health, peace, safety, and general welfare of the community. The conditions may be more restrictive than those required in the specific zones.
9. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit, except for the following:
 - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to [Section 35.44.010 \(Commercial Telecommunication Facilities\)](#) provided that any structure constructed or erected as part of the telecommunications facility shall only be used as part of the telecommunication facility and shall be removed pursuant to Section [35.44.010.E.4 \(Project abandonment/site restoration\)](#).
10. Notwithstanding the requirements of Subsection [35.80.020.B \(Applications subject to more than one review authority\)](#) and [Section 35.82.080 \(Development Plans\)](#), if a Development Plan is required in compliance with Subsection D.8 above, then the Development Plan shall also be under the jurisdiction of the Zoning Administrator if the Conditional Use Permit would be under the jurisdiction of the Zoning Administrator provided:
 - a. The use of the site proposed to be allowed by the Minor Conditional Use Permit is the only proposed use of the site, or
 - b. On a developed site, no new development is proposed beyond that applied for under the Minor Conditional Use Permit.

E. Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.38 \(Sign Standards\)](#). A Conditional Use Permit application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable.

1. **Findings required for all Conditional Use Permits:**
 - a. The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed;

- b. ~~Environmental impacts.~~
 - (1) ~~Within the Coastal Zone adverse environmental impacts will be mitigated to the maximum extent feasible.~~
 - (2) ~~Within the Inland area s~~Significant environmental impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.
- g. Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

~~2. Additional findings required for sites within the Coastal Zone.~~

- a. ~~The proposed project will not conflict with any easements required for public access through, or public use of the site.~~
- b. ~~The proposed use is consistent with the intent of the applicable zone.~~

32. Additional findings required for sites zoned MT-GOL (Mountainous Goleta) zone.

- a. The proposed project will not cause significant erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
- b. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas.

43. Additional findings required for sites zoned MT-TORO (Mountainous Toro) zone.

- a. The proposed project will not require extensive alteration of the topography.
- b. The proposed project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
- c. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

54. Additional findings required for sites zoned RMZ (Resource Management).

~~a. Coastal Zone.~~

- (1) ~~The proposed project will not require extensive alteration of the topography.~~
- (2) ~~The proposed project will not cause erosion or sedimentation of downstream water courses or water bodies.~~
- (3) ~~The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas.~~⁴

~~b. Inland area.~~⁴

- (1)^a. The proposed project will not require extensive alteration of the topography.
- (2)^b. The proposed project will not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.

~~(3)~~c. The proposed project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

F. Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards). A Conditional Use Permit application shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

1. The sign is necessary to direct or inform the public as to the location or changing attraction of those uses specified in Chapter 35.38 (Sign Standards).
2. The location and size of the sign will not be detrimental to the safety, convenience, property values, and general welfare of the neighborhood.
3. If the sign informs the public concerning service club meetings, the permittee agrees in writing, if required by the Zoning Administrator, to permit additional service club signs to be placed on the same structure.

G. Requirements prior to commencement of conditionally permitted uses and permit expiration.

~~1. **Coastal Zone.** For Conditional Use Permits approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.~~

~~a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by the County in compliance with Section 35.82.050.D.3 or the Coastal Commission because:~~

- ~~(1) The development is located within the retained permit jurisdiction of the Coastal Commission, or~~
- ~~(2) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~

~~b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because:~~

- ~~(1) The development is located within the retained permit jurisdiction of the Coastal Commission, or~~
- ~~(2) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~

~~c. **Zoning Clearance required.** In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required if:~~

- ~~(1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or~~
- ~~(2) The approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Conditional Use Permit. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Conditional Use Permit is in substantial conformity with the Coastal Development~~

~~Permit previously issued in compliance with Section 35.82.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit, a new Coastal Development Permit shall be issued in compliance with Section 35.82.050. D.3 except that:~~

- ~~(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and any applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.~~
- ~~(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
- ~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
- ~~(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.82.050.E (Findings for Approval).~~

21. Inland area. For approved Conditional Use Permits, approved for property located in the ~~Inland area~~, issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

- a. Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.84.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Conditional Use Permit.
- b. Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.84.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Conditional Use Permit.

32. Time limits and extensions.

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit or Zoning Clearance shall be issued.
 - (1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - (2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.
 - (3) The review authority responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review

authority) may extend the time limit in compliance with [Section 35.84.030 \(Time Extensions\)](#).

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

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

- (1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).
- (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
 - (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.
- (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.
 - (a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).

4. Conditional Use Permit void. A Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months. The time limit for discontinuance may be extended by the review authority that approved the Conditional Use Permit in compliance with [Section 35.84.030 \(Time Extensions\)](#).

H. Changes to approved permit. Changes to an approved Conditional Use Permit shall be processed in compliance with [Section 35.84.040 \(Changes to an Approved Project\)](#).

I. Conditions, restrictions, and modifications.

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking except as provided within Subsection I.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the review authority finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other

applicable regulations and guidelines.

- a. The parking standards of the SR-M and SR-H zones listed within Table 3-5 (Residential Parking Standards), of [Section 35.35.050 \(Required Number of Spaces: Residential Uses\)](#) and [Section 35.36.100.H \(Medium and High Density Student Residential \(SR-M and SR-H\) zones\)](#) and the parking standards of the SF overlay zone listed within [Section 35.28.180 \(Single Family Restricted \(SF\) overlay zone\)](#) and may not be modified.
 2. As a condition of approval of any Conditional Use Permit, or of any subsequent amendments or revisions, the review authority may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
 3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.
 4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any Conditional Use Permit or Minor Conditional Use Permit, or of any subsequent amendments or revisions, the review authority shall require an approved Fire Protection Plan in compliance with Policy FIRE-MC-4 to avoid onsite and offsite emergency evacuation impacts.
- J. Permit revocation.** A Conditional Use Permit approval may be revoked or modified in compliance with [Section 35.84.060 \(Revocations\)](#).
- K. Post approval procedures.** The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#) and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Conditional Use Permit.

35.82.070 - Design Review

- A. Purpose and intent.** The purpose and intent of Design Review is to encourage development that exemplifies the best professional design practices, to benefit surrounding property values, enhance the visual quality of the environment, and prevent poor quality of design.
- B. Applicability.**
1. **Board of Architectural Review.** The Board of Architectural Review shall be interpreted to mean the Central County Board of Architectural Review, the Montecito Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, as these Boards of Architectural Review are established and identified in Article V of Chapter 2 of the County Code. The applicable Board of Architectural Review shall govern the provisions of this Section within their respective jurisdictional areas as established by Article V of Chapter 2 of the County Code.
 2. **Design Review action required.** Design Review action shall be required for all of the following:
 - a. Any structure or sign requiring Design Review as specifically provided under the applicable zone regulations of [Article 35.2 \(Zones and Allowable Land Uses\)](#).
 - b. Any structure or sign requiring Design Review as specifically provided under [Article 35.3 \(Site Planning and Other Project Standards\)](#).
 - c. Any structure or sign requiring Design Review as specifically provided under [Article 35.4 \(Standards for Specific Land Uses\)](#).
 - d. Any structure or sign requiring Design Review as specifically provided under [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).

- e. Any structure or sign requiring Design Review as specifically provided under [Article 35.6 \(Resource Management\)](#).
- f. Any structure or sign requiring Design Review as specifically provided under [Article 35.8 \(Planning Permit Procedures\)](#).
- g. Any structure or sign requiring architectural approval as specifically identified by the Director, Zoning Administrator, Commission, or Board. The Board of Architectural Review shall also render its advice on the exterior architecture of structures and signs to the Director, Zoning Administrator, Commission, or Board when requested to do so.

3. Gaviota Coast, Mission Canyon, Summerland and Toro Canyon Plan areas. In addition to the items identified in Subsection B.2, above, for lots located within the Gaviota Coast Plan area, Mission Canyon Community Plan area, Summerland Community Plan area, and the Toro Canyon Area Plan area, the provisions of this Section shall also apply to:

- a. Any structure, additions to a structure, or sign.
- b. **Gaviota Coast Plan area.** Within the Gaviota Coast Plan area, single agricultural structures with a individual gross floor area of less than 5,000 square feet that are in compliance with the following standards are not subject to the requirements of this Section 35.82.070 (Design Review):
 - (1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
 - (2) The structure(s) complies with the following standards:
 - (a) All exterior lighting is in compliance with the following:
 - (i) The lighting is required for safety purposes only.
 - (ii) Light fixtures are fully shielded (full cutoff) and are directed downward to minimize impacts to the rural nighttime character.
 - (iii) Lighting is directed away from habitat areas, nearby residences, public roads and other areas of public use to the extent feasible.
 - (b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.
- c. **Summerland Community Plan area.** Within the Summerland Community Plan area, new encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way as part of a project otherwise requiring Design Review in compliance with Section 35.82.070 (Design Review).

C. Exceptions to Design Review requirements. Design review approval shall not be required for the following:

1. General.

- a. Accessory dwelling units; however, the Director may be required to review the appearance and style of proposed accessory dwelling units in compliance with Section 35.42.015.F (Accessory dwelling units located entirely within existing one-family or multiple-family buildings on lots zoned for one-family or multiple-family use) and Section 35.42.105.G (Accessory dwelling units located either partially within existing buildings or within new buildings on lots zoned for one-family or multiple-family use).
- b. Decks.
- c. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to

the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review:

- (1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.
 - (2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of way line of any street.
- d. Hot tubs, spas, and swimming pools.
 - e. Interior alterations.
 - f. Solar panels.
 - g. Other exterior alterations determined to be minor by the Director.
 - h. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on or affecting the lot on which the damaged or destroyed structures were located; unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director.
2. **Special Provisions for projects in the jurisdictional area of the North County Board of Architectural Review.** The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:
- a. **Exemptions.** The following projects shall be exempt from Design Review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways.
 - (1) One-family dwellings.
 - (2) Commercial and industrial projects not open to the public.
 - b. **Advisory actions.** Review by the North County Board of Architectural Review of one-family dwellings is advisory and does not require either preliminary or final approval.
 - c. **Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, one-family dwellings shall be reviewed by the North County Board of Architectural Review no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless the project changes or requests for a continuance are initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the review authority without a recommendation by the North County Board of Architectural Review.
 - d. **Structures subject to Chapter 35.62 (Ridgeline and Hillside Development).** The following applies to structures that would normally be subject to Design Review due to their location in an area subject to the requirements of Chapter 35.62 (Ridgeline and Hillside Development).
 - (1) **Exemptions.** Exemptions to the Ridgeline and Hillside Guidelines that may normally be allowed in compliance with Subsection 35.62.040.B.2 (Exemptions allowed by the Board of Architectural Review) shall instead be reviewed and, if appropriate, allowed as follows:
 - (a) Structures shall be reviewed by the Director for compliance with the development guidelines contained in Subsection 35.62.040.C (Development guidelines).
 - (b) The Director may exempt a structure from compliance with the development

guidelines in compliance with Subsection [35.62.040.C.1](#) (Guidelines - Application and interpretation) in addition to Subsection [35.62.040.B.3](#) (Exemptions allowed by the Director).

- e. **Special provision not applicable.** The special provisions described in Subsection 2.a through 2.d above, shall not apply to the following:

- (1) Development Plans where the Commission is the review authority.
- (2) Structures subject to approved planning permits and subdivision maps that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans.

- D. **Contents of application.** An application for a Design Review shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

E. **Processing.**

1. Applications for Preliminary and Final review by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.
2. The Board of Architectural Review shall hold as least one noticed public hearing on an application for Preliminary or Final Approval and approve, conditionally approve or deny the request in compliance with Section 2-33.15 of Chapter 2, Article V of the County Code and this Section.
3. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
4. The action of the Board of Architectural Review is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

F. **Findings required for approval.**

1. **Findings required for all Design Review applications.** A Design Review application shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the following findings:
 - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the subject property.
 - b. Electrical and mechanical equipment will be well integrated into the total design concept.
 - c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
 - f. Site layout, orientation, and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site.
 - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project, and that adequate provisions have been made for maintenance of all landscaping.
 - h. Signs, including associated lighting, are well designed and will be appropriate in size and location.

- i. The proposed development is consistent with any additional design standards as expressly adopted by the Board for a specific local area, community, or zone in compliance with Subsection G. (Local design standards) below.

~~2.~~ Additional findings required for Design Review applications within the Coastal Zone.

- ~~a. Within Rural areas as designated on the Comprehensive Plan maps, the design, height, and scale of structures will be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures are subordinate in appearance to natural landforms; are designed to follow the natural contours of the landscape; and are sited so as not to intrude into the skyline as seen from public viewing places.~~
- ~~b. Within Urban and Rural Neighborhood areas as designated on the Comprehensive Plan maps, new structures will be compatible with the character and scale of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.~~

32. Additional findings required for Design Review applications within the Eastern Goleta Valley area. Where Design Review is required in compliance with Subsection 35.28.080.E (Eastern Goleta Valley), plans for new or altered structures will be in compliance with the Eastern Goleta Valley Residential Design Guidelines, as applicable. The Eastern Goleta Valley Residential Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35.82.070.F.1.(i).

43. Additional finding required for Design Review applications within the Summerland Community Plan Area.

- a. Plans for new or altered structures will be in compliance with the Summerland Residential and Commercial Design Guidelines.
- b. Permitted encroachments of structures, fences, walls, landscaping, etc., into existing public road rights-of-way are consistent in style with the urban and rural areas and minimize adverse visual or aesthetic impacts.
- c. Landscaping or other elements are used to minimize the visual impact of parking proposed to be located in front setback areas.
- d. If Monterey or Contemporary architectural styles are proposed, the design is well executed within the chosen style, and the style, mass, scale, and materials proposed are compatible with the surrounding neighborhood.

54. Additional finding required for Design Review applications within the Toro Canyon Plan Area. All non-agricultural structures are in compliance with Subsection 35.28.210.H.3 (Development standards).

65. Additional finding required for Design Review applications within the Los Alamos Community Plan area. Where Design Review is required in compliance with Subsection 35.28.080.F (Los Alamos Community Plan), plans for new or altered structures will be in compliance with the Los Alamos Bell Street Design Guidelines, as applicable. The Los Alamos Bell Street Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35.82.070.F.1.(i).

76. Additional findings required for Design Review applications within the Mission Canyon Community Plan area.

- a. Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) are in compliance with the Mission Canyon Residential Design Guidelines as applicable.
- b. Large visible understories (greater than four feet in height) and exposed retaining walls are

minimized.

- c. Retaining walls are colored and textured (e.g., with earth tone colors and split face details) to match adjacent soils or stone, and visually softened with appropriate landscaping.
- d. The visible portion of a retaining wall above finished grade does not exceed a height of six feet as measured from the bottom of a footing to the top of the wall. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption is necessary to allow a project that:
 - (1) Furthers the intent of protecting hillsides and watersheds;
 - (2) Enhances and promotes better structural and/or architectural design; and
 - (3) Minimizes visual or aesthetic impacts.
- e. Landscaping and hardscaping located in the public right-of-way is consistent in style with the semi-rural character of Mission Canyon.

87. Additional findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone.

- a. New structures or alterations to existing structures will not impede views of, or interfere with the visual and historic character of the scenic corridor.
- b. New structures or alterations to existing structures have been reviewed within the context of the traditional and historical architectural setting in the vicinity, including Mission Santa Barbara, the Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club). While no particular architectural style is prescribed for this area, project design should promote a smooth transition from the City of Santa Barbara’s “El Pueblo Viejo Landmark District” (around the Mission) to Mission Canyon. In this area, high quality construction and materials for exterior finishes are used.
- c. Where a traditional Spanish architectural style is proposed that incorporates a tile roof, two-piece terra cotta (Mission “C-tile”) roof is used.
- d. New or altered fences, gates, gateposts, and walls are consistent with the architectural style of the structure, are compatible with the visual and historical character of the setting, are colored with appropriate earth tone colors to match adjacent soils or stone, are visually softened with appropriate landscaping, and make use of high quality construction and materials.

98. Additional findings required for Design Review applications within the Mixed Use (MU) zone.

A Design Review application for a project located on property zoned MU shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the findings required in compliance with Section 35.26.030.E (Design review required) and Section 35.26.050.E.8.h (Design criteria).

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

Where Design Review is required in compliance with Subsection B.3, above, plans for new or altered residential structures and structures that are accessory to residential structures will be in compliance with the Gaviota Coast Plan Design Guidelines, as applicable. The Gaviota Coast Plan Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection 35.82.070.F.1.i.

G. Local design standards. Additional design standards for a particular geographic area or zone may be developed as part of or independently of a Community Plan. Such standards serve to provide further guidance in the review of projects for the geographic area beyond those standards or findings contained in this Section. The following procedures shall be followed in adopting the local design standards:

- 1. The Board of Architectural Review shall review proposed design standards at a draft stage and provide comments on the draft design standards as to their consistency with the standards and

findings provided in this Section, as well as their overall utility and effectiveness. These comments shall be incorporated into the draft design standards by the Department.

2. The Commission shall hold a hearing to review the proposed design standards and shall transmit its action to the Board in the form of a written recommendation.
3. The Board shall hold a hearing to review the proposed design standards and shall approve or disapprove the proposed design standards.
 - a. This hearing may be held in conjunction with an overall Community Plan adoption.
 - b. The manner of adoption of the design standards (e.g., by ordinance or resolution) shall be at the discretion of the Board.
 - c. Adoption of design standards shall:
 - (1) Constitute a directive to the Board of Architectural Review to utilize the design standards in review of projects located in the applicable area or zone; and
 - (2) Not constitute a granting of any formal authority to any local Design Review board not otherwise granted by appropriate legal mechanism.

H. Appeals. The action of the Board of Architectural Review to grant or deny preliminary or final approval is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

I. Expiration of Design Review approval.

1. **If development permit exists.** All Design Review approvals shall expire on the date the associated development permit (e.g., ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Land Use Permit) including time extensions, expires.
2. **If no development permit exists.** Where no development permit exists, all Design Review approvals shall expire two years from the date of final approval, except the Director may grant an extension of the approval if an active development application is being processed by the Department.

J. Minor changes to Design Reviews. Minor changes to an approved project shall be in compliance with [Section 35.84.040 \(Changes to an Approved Project\)](#).

K. Permit revocation. A Design Review approval may be revoked or modified in compliance with [Section 35.84.060 \(Revocations\)](#).

L. Post approval procedures. The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#), and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#) shall apply following the decision on an application for Design Review.

35.82.080 - Development Plans

A. Purpose and intent. The purpose and intent of a Development Plan is to provide specific consideration for projects that are allowed uses within their respective zones which, because of the location, scale, or type of the development, require comprehensive review.

B. Applicability.

1. **Final Development Permit required.** No permit shall be issued for any development, including grading, for any property subject to this Section until a Final Development Plan has been approved in compliance with this Section.
2. **All portions of site to be included.** No portion of a property not included within the boundaries of the Development Plan shall be entitled to any development permits.
3. **Review authority.** The review authority for Development Plans is identified in Table 8-2 (Development Plan Review Authorities) below.

Table 8-2 - Development Plan Review Authorities

Type of Project	Role of Review Authority			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Gross floor area of 10,000 square feet or less in the following zones: (1)				
C-1 (General Commercial)	Decision		Appeal	Appeal
C-2 (Retail Commercial)	Decision		Appeal	Appeal
C-3 (General Commercial)	Decision		Appeal	Appeal
CH (Highway Commercial)	Decision		Appeal	Appeal
CS (Service Commercial)	Decision		Appeal	Appeal
SC (Shopping Center Commercial)	Decision		Appeal	Appeal
M-1 (Light Industry)	Decision		Appeal	Appeal
M-2 (General Industry)	Decision		Appeal	Appeal
M-RP (Industrial Research Park)	Decision		Appeal	Appeal
MU (Mixed Use)	Decision		Appeal	Appeal
OT (Old Town)	Decision		Appeal	Appeal
PI (Professional and Institutional)	Decision		Appeal	Appeal
Gross floor area greater than 10,000 square feet but less than 15,000 square feet in size in the following zones: (1)				
C-1 (General Commercial)		Decision	Appeal	Appeal
C-2 (Retail Commercial)		Decision	Appeal	Appeal
CH (Highway Commercial)		Decision	Appeal	Appeal
CS (Service Commercial)		Decision	Appeal	Appeal
SC (Shopping Center Commercial)		Decision	Appeal	Appeal
M-1 (Light Industry)		Decision	Appeal	Appeal
M-2 (General Industry)		Decision	Appeal	Appeal
M-RP (Industrial Research Park)		Decision	Appeal	Appeal
MU (Mixed Use)		Decision	Appeal	Appeal
OT (Old Town)		Decision	Appeal	Appeal
PI (Professional and Institutional)		Decision	Appeal	Appeal
Gross floor area less than or equal to 15,000 square feet in size in the following zones: (1)				
CN (Neighborhood Commercial)		Decision	Appeal	Appeal
C-V (Visitor Serving Commercial)		Decision	Appeal	Appeal
PU (Public Utilities)		Decision	Appeal	Appeal
Telecommunications facilities in all zones in compliance with Chapter 35.44	See Table 4-16-20 (Section 35.44.010) and Table 4-17-21 (Section 35.44.020)			
As-built Development Plans for non-conforming development without revisions to existing development (2)	Decision		Appeal	Appeal
Final Development Plans that the Director determines to be in substantial conformity with approved Preliminary Development Plan	Decision		Appeal	Appeal
Development Plans outside of the review authority of the Director or Zoning Administrator.			Decision	Appeal

Notes:

- (1) Gross floor area includes all outdoor areas designated for sales and storage and the gross floor area of existing structures.
- (2) The Director shall be the review authority for applications for Final Development Plans for projects that were legally permitted and developed without a Final Development Plan and are now nonconforming solely due to the absence of an approved Final Development Plan provided revisions to the existing development are not proposed as part of the application for the Final Development Plan except for minor alterations to the exterior of the structure that are determined to be exempt from Design Review by the Director in compliance with Section 35.82.070 (Design Review). If revisions to the existing development are proposed, then the application shall be processed as if it was an application for a new project and the jurisdiction shall be determined in compliance with this Table 8-2.

C. Contents of application. An application for a Development Plan shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

1. ~~If an application for a Development Plan is submitted for property located in the Coastal Zone, then an application for a Coastal Development Permit for the development requested by the Development Plan application shall also be submitted and shall be processed concurrently and in conjunction with Development Plan application except when the Coastal Commission approves the Coastal Development Permit because:~~
 - a. ~~The development is located within the retained permit jurisdiction of the Coastal Commission,~~
~~or~~
 - b. ~~The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~

D. Processing.

1. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan.
 - a. ~~Inland area.~~ Within the Inland area, a ~~any~~ application filed in compliance with this Section that is determined to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application that, if approve, would make the project consistent. The Director may refuse to accept for processing any application the Director finds to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan, unless accompanied by an application that, if approved, would make the project consistent.
2. After receipt of an application for a Development Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. After receipt of an application for a Development Plan, the Department shall refer the Development Plan to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendations to the review authority. This requirement may be waived by the Director in the following situations:
 - a. An application for a Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review; or
 - b. An application for a Final Development Plan that is submitted for projects that were legally permitted and developed without a Development Plan provided that any exterior alterations can be determined to be minor by the Director in compliance with Subsection [35.82.070.C](#) (Exemptions to Design Review requirements).
4. ~~The Department shall transmit one copy of a Development Plan application to the Air Force Missile Flight Safety Office (WSMC SE) USAF, Vandenberg, for all proposed development located within the Coastal Zone between Gaviota Beach State Park and the Santa Maria River upon receipt of a Development Plan application. The Air Force may submit to the Department available information regarding missile debris hazards for the County to consider in reviewing the Development Plan. In order to be considered in the review of the project, the information shall be provided to the County within 30 days of the date of transmittal and the County shall immediately send a copy to the applicant.~~

54. Development Plans under the jurisdiction of the Director. A public hearing shall not be required if the Director is the review authority for the Development Plan.

- a. Notice of the pending decision of the Director on a Development Plan shall be given at least

10 days before the date of the Director's decision in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

- b. The Director may approve, conditionally approve, or deny the Development Plan.
- c. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

65. Development Plans under the jurisdiction of the Commission or Zoning Administrator. A public hearing shall be required if the Commission or Zoning Administrator is the review authority for the Development Plan.

- a. The review authority shall hold at least one noticed public hearing on the requested Development Plan and approve, conditionally approve, or deny the request.
- b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- c. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

76. If a Development Plan application is considered in conjunction with a Zoning Map Amendment application or other application requiring legislative approval, the Commission may recommend approval, conditional approval, or denial to the Board.

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

1. Findings for all Preliminary or Final Development Plans.

- a. The site of the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.
- b. Adverse impacts will be mitigated to the maximum extent feasible.
- c. Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
- d. There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.
- e. The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.
- f. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.
- g. Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.
- h. The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

2. Additional finding required for Final Development Plans.

- a. **Substantial conformity.** The plan is in substantial conformity with any previously approved Preliminary Development Plan, except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

(1) If the Final Development Plan is under the jurisdiction of the Director, and the Director

cannot find that the Final Development plan is in substantial conformity with the previously approved Preliminary Development Plan, the Director shall refer the Final Development Plan to the review authority that approved the Preliminary Development Plan for a decision on the Final Development Plan.

3. Additional findings required for Preliminary or Final Development Plans for sites zoned C-V (Visitor Serving Commercial).

a. ~~Coastal Zone.~~

~~(1) For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on nearby land, (e.g., residences, stores).~~

~~(2) For development surrounded by areas zoned residential, the proposed use will be compatible with the residential character of the area.~~

b. ~~Inland area.~~

~~(1)~~**a.** For development within Rural areas as designated on the Comprehensive Plan maps, the project will not result in a need for ancillary facilities on other rural lands (e.g., residences, stores). Such facilities, if necessary, shall be provided within designated urban areas.

~~(2)~~**b.** For development surrounded by areas zoned residential, the proposed use is compatible with the residential character of the area.

4. Additional findings required for Preliminary or Final Development Plans for sites zoned MU (Mixed Use).

a. The density and type of mixed use development is consistent with all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the Comprehensive Plan.

b. The mixed use development will not be detrimental to the health, safety, comfort, convenience, property values, and general welfare of the neighborhood.

c. The existing and proposed circulation is suitable and adequate to serve the proposed uses.

d. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

e. The mixed use development will not adversely affect necessary community services (e.g., fire protection, police protection, sewage disposal, traffic circulation, and water supply).

f. The proposed mixed uses are sited and designed to ensure the compatibility of the uses.

5. Additional findings required for Preliminary or Final Development Plans for sites zoned PRD (Planned Residential Development).

a. The density and type of the proposed development will comply with the PRD zone and applicable policies of the Comprehensive Plan including any applicable community or area plan policies.

b. Adequate provisions are or will be made within the proposed covenants, conditions, and restrictions to permanently care for and maintain public and common open spaces and recreational areas and facilities.

c. The structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

~~6. Additional findings required for Preliminary or Final Development Plans for sites within the Agriculture Residential Cluster overlay.~~

- ~~a. The proposed development will be compatible with the long term preservation of the agricultural operation.~~
- ~~b. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor serving uses, and the existing agricultural operation.~~
- ~~c. The proposed development has been sited and designed so as to: (1) avoid and buffer all prime agricultural areas of the site; (2) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (3) avoid placement of roads or structures on any environmentally sensitive habitat areas; (4) minimize impacts of non agricultural structures on public views from beaches, public trails, roads, and public recreational areas; and (5) minimize risks to life and property due to fire, flood, and geologic hazard. Minor agricultural development (e.g., fences, irrigation systems) are not subject to the findings of this Subsection.~~
- ~~d. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but is also be consistent with the goal of maintaining the rural character of the area.~~
- ~~e. The covenants, conditions, and restrictions governing the Homeowner's Association and/or individual lots are adequate to ensure permanent maintenance of the land to remain in agriculture and/or open space.~~

76. Additional findings required for Preliminary or Final Development Plans for sites within the Hazardous Waste Management Facility overlay zone.

- a. There is a need for the off-site treatment, storage, or disposal hazardous waste management facility as determined in compliance with Policy 2-1 of the County's Hazardous Waste Element.
- b. The proposed facility is consistent with the siting criteria for off-site hazardous waste management facilities identified in the Hazardous Waste Element and the development standards identified in [Section 35.28.140 \(Hazardous Waste Management Facility \(HWMF\) Overlay Zone\)](#).
- c. A risk assessment has been prepared for the Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
- d. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.
- e. The project will not create a financial burden for the County.
- f. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure, and post-closure of the subject facility.

F. Requirements prior to commencement of development authorized by a Final Development Plan.

- ~~1. Coastal Zone. For Final Development Plans approved for property located in the Coastal Zone, issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits), or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required prior to commencement of the development and/or authorized use allowed by the Final Development Plan.~~

- ~~a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by the County in compliance with Section 35.82.050.D.3 or the Coastal Commission because:~~
- ~~(1) The development is located within the retained permit jurisdiction of the Coastal Commission, or~~
 - ~~(2) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~
- ~~b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required if the project requires a Coastal Development Permit issued by the Coastal Commission because:~~
- ~~(1) The development is located within the retained permit jurisdiction of the Coastal Commission, or~~
 - ~~(2) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.~~
- ~~c. **Zoning Clearance required.** In addition to a Coastal Development Permit, the issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required if:~~
- ~~(1) The project does not require a Coastal Development Permit issued by the Coastal Commission, or~~
 - ~~(2) The approval of a Substantial Conformity Determination in compliance with Section 35.84.040.C (Substantial Conformity Determinations) is not required as a result of changes to the project allowed by the Final Development Plan. Prior to the issuance of the Zoning Clearance the Director shall determine that project allowed by the Final Development Plan is in substantial conformity with the Coastal Development Permit previously issued in compliance with Section 35.82.050.D.3. If the Director cannot make this determination, then prior to the commencement of the development and/or authorized use allowed by the Final Development Plan, a new Coastal Development Permit shall be issued in compliance with Section 35.82.050.D.3 except that:~~
 - ~~(a) The Director shall be the review authority for the new Coastal Development Permit and shall review the Coastal Development Permit application for compliance with the Comprehensive Plan, including Coastal Land Use Plan and any applicable community and area plans, this Development Code and other applicable conditions and regulations, and approve, conditionally approve or deny the Coastal Development Permit without a public hearing.~~
 - ~~(b) Before approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).~~
 - ~~(c) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
 - ~~(d) The Director shall approve or conditionally approve the Coastal Development Permit only if the Director first makes all of the applicable findings required in compliance with Section 35.82.050.E (Findings required for approval).~~

- 21. Inland area.** For approved Final Development Plans, ~~approved~~ for property located in the Inland area, issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) or a

Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) shall be required prior to the commencement of the development and/or authorized use allowed by the Development Plan.

- a. **Land Use Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.84.040.C \(Substantial Conformity Determinations\)](#) is required as a result of changes to the project allowed by the Final Development Plan.
- b. **Zoning Clearance required.** The issuance of a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) shall be required if the approval of a Substantial Conformity Determination in compliance with [Section 35.84.040.C \(Substantial Conformity Determinations\)](#) is not required as a result of changes to the project allowed by the Final Development Plans.

G. Time limits and extensions.

1. **Preliminary Development Plans.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).
2. **Final Development Plans.**
 - a. **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.
 - (1) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).
 - (2) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection G.2(a)(1) (Final Development Plans for agricultural developments) above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).
 - b. **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.
 - (1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of [Section 35.84.040 \(Changes to an Approved Project\)](#).
 - (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.
 - (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development

Plan has expired and an application to revise the phasing plan has not been submitted, then:

- (a) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - (b) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 2.(b)(3)(i), above.
- (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.
- (a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).
 - (i) The extension of the 10 year period is not subject to Section 35.84.030.D.3 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.

H. Conditions, restrictions, and modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking except as provided within Subsection H.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and [Chapter 35.36 \(Parking and Loading Standards\)](#) when the review authority finds that the modification is justified.
 - a. The parking standards of the SR-M and SR-H zones listed within Table 3-5 (Residential Parking Standards), of [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#) and [Section 35.36.100.H \(Medium and High Density Student Residential \(SR-M and SR-H\) zones\)](#) and the parking standards of the SF overlay zone listed within [Section 35.28.180 \(Single Family Restricted \(SF\) overlay zone\)](#) may not be modified.
2. As a condition of approval of any Preliminary or Final Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.
4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any Preliminary or Final Development Plan, the review authority shall require that the Preliminary or Final Development Plan include an approved Fire Protection Plan to avoid onsite and offsite emergency evacuation impacts.

- I. **Post approval procedures.** The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#) and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Development Plan.

35.82.090 - Emergency Permits

- A. Purpose and intent.** The purpose of this Section is to establish procedures for the granting of Emergency Permits. The intent is to modify the customary procedures for permit processing and temporarily by-pass the permit requirements of this Development Code in the case of an emergency.
- B. Applicability.** When emergency action by a person or public agency is warranted, the requirements of obtaining a planning permit otherwise required by this Development Code may be temporarily deferred by the Director, and the Director may instead grant an Emergency Permit before the customarily required planning permit.
- C. Application submittal procedures.** In cases of emergency an application for an Emergency Permit shall be made to the Director by letter or telefax, if time allows, or by telephone or in person, if time does not allow.
- D. Verification of emergency.** The Director shall verify the facts, including the existence and nature of the emergency, before granting the Emergency Permit.
- E. Processing.**
1. Notice of the emergency work shall be in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#). The notice is not required to precede the actual commencement of the emergency work.
 2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date and a requirement for subsequently obtaining the planning permit(s) customarily required by this Development Code if the Director first makes all of the following findings:
 - a. An emergency exists and requires action more quickly than provided for by the customary procedures for permit processing.
 - b. The action proposed is consistent with the policies of the Comprehensive Plan, including any applicable community or area plan and the requirements of this Development Code.
 - c. Public comment on the proposed emergency action has been reviewed.
- F. Completion of corrective action.** The corrective action shall be completed within 30 days of granting the Emergency Permit unless otherwise specified by the terms of the Emergency Permit.
- G. Requirement for subsequent permits.** The granting of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for a planning permit customarily required by this Development Code shall be made no later than 30 days following the granting of an Emergency Permit. Any materials required for a completed application shall be submitted within 90 days after the approval of the Emergency Permit, unless this time period is extended by the Director.
- H. Permits not subject to Director's authority.** The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of Public Resources Code Section 30624.
- I. Reporting requirements of the Director.** The following reporting requirements shall be followed:
1. The Director shall submit a written report to the Board at its first scheduled meeting after the Emergency Permit has been granted regarding the nature of the emergency and the work involved.
 2. Copies of the written report shall be available to the public at the meeting and shall be mailed to all persons who have requested notification in writing.
 - ~~3. For properties located within the Coastal Zone, the Director shall also submit a written report to the Coastal Commission.~~
 4. The Director's written report shall be informational only; the decision to grant an Emergency Permit shall be at the sole discretion of the Director in compliance with this Section.

35.82.100 - Hardship Determinations

- A. Purpose and intent.** This Section provides procedures and findings to allow for the granting of Hardship Determinations to allow the restoration of nonconforming uses or the reconstruction of nonconforming structures. The intent is to allow such restoration or reconstruction only when the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.
- B. Applicability.** The provisions of this Section shall apply to all nonconforming uses and structures.
- C. Contents of application.** An application for a Hardship Determination shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. The Zoning Administrator shall hold at least one noticed public hearing on the requested Hardship Determination and approve, conditionally approve, or deny the request.
 2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 3. The Zoning Administrator, in approving the Hardship Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and the public health, peace, safety, and general welfare would be promoted.
 4. The action of the Zoning Administrator is final and not subject to appeal.
- E. Finding required for approval.** A Hardship Determination application shall be approved or conditionally approved only if the Zoning Administrator first finds that the adverse impact upon the neighborhood created by the continued existence of the nonconforming use or structure or other development would be less than the hardship which would be suffered by the owner of the nonconforming use or structure or other development should restoration or reconstruction be denied.
1. **Additional finding required for sites within the Toro Canyon Plan Area.** A Hardship Determination application submitted in compliance with Subsection [35.101.030.B.5](#) (Sites within the Toro Canyon Plan Area) shall be approved only if the Zoning Administrator first also finds the public health and safety will not be jeopardized in any way by such reconstruction or structural repair.

35.82.110 - Land Use Permits

- A. Purpose and intent.** This Section establishes procedures and findings for the approval, issuance of, and effective time periods for, Land Use Permits. The intent of this Section is to ensure that development proposals are in compliance with the provisions of the Comprehensive Plan, including any applicable community or area plan, this Development Code, and any conditions established by the County.

~~1. Properties located within the Coastal Zone.~~

- ~~a. This Section establishes procedures and findings for the approval of Land Use Permits in cases where the County approves certain discretionary permits for new development and the Coastal Commission issues the Coastal Development Permit because the development is:~~
- ~~(1) Located within the retained permit jurisdiction of the Coastal Commission.~~
 - ~~(2) Located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission.~~
- ~~b. In the cases identified in Subsection 1.a above, the approval of a Land Use Permit is required following approval of the Coastal Development Permit by the Coastal Commission.~~

- B. Applicability.** The provisions of this Section shall apply to all development and uses listed within this Development Code as requiring a Land Use Permit, including development ~~and uses identified in Subsection A.1 (Properties located within the Coastal Zone)~~ above.
- C. Contents of application.** An application for a Land Use Permit shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. The Director shall review the Land Use Permit application for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request.
 2. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
 3. No entitlement for development shall be granted prior to the effective date of the Land Use Permit. A Land Use Permit shall not be issued and deemed effective:
 - a. Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the review authority in compliance with [Chapter 35.102 \(Appeals\)](#).
 - b. Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
 - c. Until all necessary prior approvals have been obtained.
 - d. For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Design Review approval in compliance with [Section 35.82.070 \(Design Review\)](#).
 - ~~e. For properties located within the Coastal Zone as identified in Subsection A.1 (Properties located within the Coastal Zone) above, until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.~~
 4. In the case of a development which requires a public hearing and final action by the Commission or the Zoning Administrator, or final action by the Director, the Director shall not approve any subsequently required Land Use Permit within the 10 calendar days immediately following the date that the review authority took final action, during which time an appeal of the action may be filed in compliance with [Chapter 35.102 \(Appeals\)](#).
 5. If a Land Use Permit is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zone and existing provisions of this Development Code and the amendment initiated by the Board or unless a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) was approved before the adoption of the Board's resolution and the proposed uses or structures are in conformance with the approved Preliminary or Final Development Plan.
 6. Notice of the approval or conditional approval of a Land Use Permit shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- E. Findings required for approval.** A Land Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:
1. **Findings for all Land Use Permits:**
 - a. The proposed development conforms:
 - (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and

(2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).

b. The proposed development is located on a legally created lot.

c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).

2. Additional finding required for sites within the Summerland Community Plan area:

a. The development will not adversely impact existing recreational facilities and uses.

F. Permit expiration.

1. A Land Use Permit shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

2. The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#) except that a Land Use Permit approved or conditionally approved and unissued as of December 1, 2011 shall be valid for 12 months following December 1, 2011 unless a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).

3. A Land Use Permit shall expire two years from the date of issuance if the use and/or structure for which the permit was issued has not been established or commenced in compliance with the effective permit unless a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).

G. Minor changes to Land Use Permits. Minor changes to an issued Land Use Permit shall be allowed in compliance with [Section 35.84.040 \(Changes to an Approved Project\)](#).

H. Permit revocation. An issued Land Use Permit may be revoked in compliance with [Section 35.84.060 \(Revocations\)](#).

I. Post approval procedures. The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#) and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Land Use Permit.

35.82.120 - Limited Exception Determinations

A. Purpose and intent. This Section provides procedures and findings to allow for improvements comprising minor enlargements, expansions, extensions, or structural alterations of a structure dedicated to an industrial, public works, or energy-related nonconforming use. The intent is to allow such improvements in order to improve the safety or reduce the environmental effects of certain nonconforming industrial uses.

B. Applicability. The provisions of this Section shall apply to all nonconforming industrial, public works, and energy-producing related nonconforming uses.

C. Contents of application. An application for a Limited Exception Determination shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. After receipt of the Limited Exception Determination application, the Department shall distribute the material to all appropriate County departments for a 30-day application completeness review.

2. Upon determining the application to be complete, the Director shall conduct an assessment of the public health and safety and/or environmental benefits of the application and shall review the project in compliance with the California Environmental Quality Act. Information derived from the benefit assessment or the environmental review shall be used to support the Commission's action on a Limited Exception Determination.
3. The Commission shall hold at least one noticed public hearing on the requested Limited Use Determination and approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
5. The Commission, in approving the Limited Use Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and that the public health, peace, safety, and general welfare will be promoted.
6. The action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

E. Findings required for approval. A Limited Exception Determination application shall be approved or conditionally approved only if the Commission first makes all of the following findings:

1. The improvement will have a demonstrable public health and safety, or environmental benefit (e.g., will reduce the risk of a hazardous material spill or reduce air emissions).
2. The improvement will not result in any new un-mitigated environmental impacts.
3. The improvement will not result in an increase in the overall intensity of use beyond the existing allowed use (e.g., output/throughput per day) or, for facilities where no permits exist, will not increase the overall intensity of the use beyond the current operating limits.
4. The improvement will not expand or extend the existing developed industrial site boundary within a lot.
5. The improvement will not result in an expansion or extension of the life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use, or from increased access to a resource, or from an opportunity to increase recovery of an existing resource. Any extension in the life of the nonconforming use affected by the improvement will result solely from improved operational efficiency and will be incidental to the primary purpose of improving public health and safety or providing an environmental benefit.
- ~~6. The improvement will not allow for processing of "new production" as defined in Section 35.51.070 (Onshore Processing Facilities Related to Offshore Oil and Gas Development).~~
76. If prior Limited Exception Determinations have been made for the same nonconforming use in compliance with this Section, the successive Limited Exception Determinations cumulatively provide a public health and safety or environmental benefit.

35.82.130 - Modifications

A. Purpose and intent. The purpose and intent of this Section is to allow for minor modifications of certain zone standards, where, because of integrity of design, practical difficulties, topography, tree or habitat protection, or other similar site conditions, minor adjustments to the regulations, requirements, or standards would result in better project design, land use planning, and resource protection.

B. Applicability.

1. **Allowed for permitted uses only.** The provisions of this Section shall apply to specific development proposals that are allowed in the zone in which the project is located which are not otherwise subject to Conditional Use Permit ([Section 35.82.060](#)) or Development Plan ([Section](#)

35.82.080) requirements.

2. **Activities or uses not otherwise allowed.** In no case shall a Modification be granted to allow an activity which is not otherwise allowed in the zone in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Development Code.
3. **Allowed Modifications.** Modifications may only be granted in conjunction with a specific development proposal and are limited to the following:
 - a. **Maximum setback reduction of 20 percent.** The area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - (1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required in compliance with the applicable zone regulations.
 - b. **Setback reductions for structures, except unenclosed, attached entryways or porches.** No setback reduction for structures, except for unenclosed, attached entryways or porches (see Subsection 3.c (Front setback reductions for unenclosed, attached entryways or porches) below) shall result in:
 - (1) **Front.** A front setback depth, as measured from the right-of-way or easement line of a street, of less than 16.5 feet.
 - (2) **Side.** A side setback width from property lines of less than three feet.
 - (3) **Rear.** A rear setback depth from property lines of less than 15 feet.
 - c. **Front setback reductions for unenclosed, attached entryways or porches.** No front setback reduction for an unenclosed, attached entryway or porch shall result in a front setback depth, as measured from the right-of-way or easement line of a street or driveway, of less than 10 feet.
 - d. **Increase in zone height limitations.** Up to a 10 percent increase in the zone height limitations.
 - e. **Increase in the maximum Floor Area Ratio.** Up to a 10 percent increase in the maximum Floor Area Ratio (FAR) requirements for structures originally constructed before the adoption of the FAR regulations (e.g., if the FAR is 0.50, the maximum modification would allow a FAR of 0.55).
 - f. **Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
 - (1) The number of required bicycle parking spaces be reduced,
 - (2) The number of spaces required for an accessory dwelling unit be reduced or allowed to be located within the required front setback area.
 - (3) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.
 - (4) A reduction in the required number of parking spaces for development within the Summerland Community Plan Area be allowed that results in an increase in on-street parking.

- (5) The required number of parking spaces in the Mission Canyon Community Plan area be reduced from three to two in the R-1/E-1 (Single Family Residential) zone for habitable additions to an existing dwelling unit of 500 square feet or greater or an addition or remodel that includes one or more new bedrooms and results in a dwelling with three or more bedrooms, unless:
 - (a) The reduction would preserve the integrity of a historic structure, or
 - (b) There is no space for the third parking space due to topography, lot configuration, or other physical constraints as determined by the Director. The reduction shall not be granted if the addition or remodel is proposed in a location that would be suitable for the required third parking space.
 - (c) The floor area of the addition, or location of the bedrooms, is within an accessory dwelling unit approved in compliance with [Section 35.42.015 \(Accessory Dwelling Units\)](#).

4. Prohibited Modifications. In no case shall a Modification be granted for a reduction in buffer, landscape, open space, or other requirements of this Development Code, except as identified above.

C. Contents of application. An application for a Modification shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to the provisions of [Section 35.82.070 \(Design Review\)](#), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project is heard by the Zoning Administrator.
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
5. The review authority, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Development Code and the public health, safety, and welfare.
6. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.

- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.
- E. Findings required for approval.** An application for a Modification shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
- 1. Findings for all Modifications.**
 - a. The project is consistent with the Comprehensive Plan, including any applicable community or area plan.
 - b. The project complies with the intent and purpose of the applicable zone including overlays, and this Development Code.
 - c. The Modification is minor in nature and will result in a better architectural or site design, as approved by the Board of Architectural Review, and/or will result in greater resource protection than the project without the Modification.
 - d. The project will be compatible with the neighborhood, and will not create an adverse impact to aesthetics, community character, or public views.
 - e. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
 - f. The project will not be detrimental to existing ambient noise levels, physical access, light, solar exposure, or ventilation on or off the subject site.
 - g. Any adverse environmental impacts will be mitigated to a level of insignificance.
 - 2. Additional finding required for sites within the Summerland Community Plan area.**
 - a. The development will not adversely impact existing recreational facilities and uses.
- F. Expiration.**
- 1. Expiration in 12 months.** A Modification shall expire 12 months from the effective date if a ~~Coastal Development Permit or Land Use Permit~~ has not been issued for the project for which the Modification was approved unless otherwise specified by conditions of project approval or unless a time extension has been approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).
 - 2. Once granted a ~~Coastal Development Permit or Land Use Permit~~.** Once the project for which the Modification was approved has been issued a ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits)~~, the Modification shall have the same expiration date as the issued ~~Coastal Development Permit or Land Use Permit~~.
- G. Post approval procedures.** The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#) and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Modification.

35.82.140 - Nonconforming Status and Extent of Damage Determinations

- A. Purpose and intent.** This Section provides procedures and findings to allow for determining the nonconforming status of and extent of damage to a structure that is damaged or destroyed by earthquake, fire, flood vandalism or other calamity beyond the control of the owner of the structure.
- 1. Toro Canyon Plan Area.** This Section also provides procedures and findings to allow the repair or reconstruction of one nonconforming private detached garage on a lot located within the Toro Canyon Plan Area in compliance with Subsection [35.101.030.B.5 \(Sites within Toro Canyon Plan Overlay\)](#) that is damaged or destroyed by earthquake, fire, flood vandalism or other calamity

beyond the control of the owner of the structure.

- B. Applicability.** The provisions of this section shall apply to all nonconforming uses, structures or other development when required in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
- C. Contents of application.** An application for a Nonconforming Status and Extent of Damage Determination shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. The Zoning Administrator shall hold at least one noticed public hearing on the requested Nonconforming Status and Extent of Damage Determination and approve, conditionally approve, or deny the request.
 2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 3. The Zoning Administrator, in approving the Nonconforming Status and Extent of Damage Determination, may require conditions as deemed reasonable and necessary to ensure that the intent and purpose of this Development Code and the public health, peace, safety, and general welfare would be promoted.
 4. The action of the Zoning Administrator is final and not subject to appeal.
- E. Finding required for approval.** A Nonconforming Status and Extent of Damage Determination application shall be approved or conditionally approved only if the Zoning Administrator first finds that there is sufficient evidence to establish that the subject structure is nonconforming and that the extent of damage is such that the reconstruction or repair is allowed in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
1. **Additional finding for Nonconforming Status and Extent of Damage Determinations in the Toro Canyon Plan Area.** If the Nonconforming Status and Extent of Damage Determination application involves repair or reconstruction of a private detached garage, the Zoning Administrator shall also find that there is sufficient evidence to establish that the structure was used as a private garage prior to the damage or destruction by earthquake, fire, flood vandalism or other calamity beyond the control of the owner of the structure.

35.82.150 - Overall Sign Plans

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.
- B. Applicability.** The provisions of this Section shall apply to all proposed signs located within shopping centers.
- C. Allowed modifications.** The review authority may allow the following sign modifications as part of the approval of an Overall Sign Plan:
1. **Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
 2. **Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
 3. **Under canopy sign.** An increase in the area limitation of under canopy signs.
 4. **Wall sign.** An increase in the area limitation of wall signs.
- D. Contents of application.** An application for an Overall Sign Plan shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

E. Processing.

1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
 - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.
2. Review authority.
 - a. The review authority for the application for the Development Plan for the shopping center shall be the review authority for the application for the Overall Sign Plan.
 - b. The review authority for an application for an Overall Sign Plan submitted in compliance with Subsection 1.a, above, shall be the Zoning Administrator.
3. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
4. The Overall Sign Plan shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
 - a. The Board of Architectural Review shall provide a recommendation to the review authority on:
 - (1) The effect of the proposed Overall Sign Plan on:
 - (a) The various parts of and commercial enterprises within the shopping center.
 - (b) The streets and properties surrounding the shopping center.
 - (c) The overall continuity of design and signs within the shopping center.
 - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
 - b. If the area of menu boards for drive-through restaurants, under canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Board of Architectural Review shall make specific recommendations to the review authority on any such modification.
5. The review authority shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The review authority shall consider the effect of the proposed Overall Sign Plan upon:
 - a. The various parts of and commercial enterprises within the shopping center.
 - b. The streets and properties surrounding the shopping center.
 - c. The overall continuity of design and signs within the shopping center.
6. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - a. In addition to mailed notice required in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
7. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

F. Findings required for approval. If an Overall Sign Plan includes any modifications in compliance with

Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

1. **Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
2. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area in which the structure is constructed.
3. **Under-canopy signs.** The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
4. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.82.160 - Reclamation and Surface Mining Permits

- A. **Purpose and intent.** This Section provides regulations for surface mining operations in compliance with the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), hereinafter referred to as SMARA; Public Resources Code Section 2207; and California Code of Regulations, Title 14, Section 3500 et seq., to ensure that:
 1. **Adverse environmental effects to be prevented or minimized.** The adverse environmental effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable long-term productive use of the mined and reclaimed lands for alternative land uses; and
 2. **Production and conservation of minerals to be encouraged.** The production and conservation of minerals will be encouraged while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment (e.g., air pollution, damage to biological resources, degradation of scenic quality, erosion, flooding, geologic subsidence, noise pollution, and water quality degradation), while giving proper consideration to community values relating to aesthetic enjoyment, range and forage, recreation, watershed, and wildlife.
- B. **Definitions.** Definitions of the specialized terms and phrases used in this Section are in [Article 35.11 \(Glossary\)](#).
- C. **Incorporation of SMARA and State Regulations.** The provisions of SMARA, Public Resources Code Section 2207, and the California Code of Regulations implementing SMARA (14 California Code of Regulations, Section 3500 et seq.), as either may be amended from time to time, are made a part of this Section by reference, with the same force and effect as if these provisions were specifically and fully contained within this Section. These regulations shall hereafter be referred to in this Section as the State Regulations.
- D. **Applicability.** Unless exempted by the provisions of SMARA, the State Regulations, or Subsection D.1 (Exemptions) below, any person (as defined in the State Regulations) who proposes surface mining operations shall, before the commencement of any operations, obtain both a permit to mine and approval of a Reclamation Plan in compliance with this Section.
 1. **Exemptions.** This Section and its permit and Reclamation Plan requirements in Subsection E.

(Permit and Reclamation Plan Requirements) below, do not apply to the following activities:

- a. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA Section 2714(a))
 - b. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in a total amount of less than 1,000 cubic yards in one or more locations or lots under the control of one operator that do not exceed a total of one acre. A ~~Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits), as applicable,~~ and Grading Permit in compliance with Section 14.6 of County Code Chapter 14, the Grading Ordinance, may be required for excavations or extractions of more than 50 cubic yards.
 - c. Surface mining operations that are required by federal law in order to protect a mining claim, if the operations are conducted solely for that purpose. (SMARA Section 2714(e))
 - d. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to the conditions in SMARA Section 2714(b).
 - e. Other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA Section 2714(f))
2. **Vested rights.** A person shall be deemed to have vested rights if, prior to January 1, 1976, ~~he or she~~the person has, in good faith and in reliance upon a permit or other authorization, if the permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials therefore. (SMARA Section 2776)
 3. **Earthwork.** Reclamation activities shall be consistent with the applicable provisions of the Grading Ordinance (County Code Chapter 14), and with other established engineering and geologic standards.
 4. **Authority of Building Official to prevent engineering hazards.** The approval of a Conditional Use Permit, Minor Conditional Use Permit or Reclamation Plan shall not prevent the Building Official from thereafter requiring the correction of errors in the permit or Reclamation Plan for earthwork specification, or from preventing surface mining operations or reclamation efforts being carried out in compliance with a permit or Reclamation Plan, where the Building Official has determined that a significant engineering hazard threatening public health and safety, or substantial physical damage to off-site property or lands outside of the approved boundary of the mining operation is likely to occur, or has occurred, as a result of surface mining operations or reclamation efforts.
 - a. **Curtailment order.** The Building Official may order that correction of earthwork specifications and/or curtailment of activities is required to protect the public health and safety, or to prevent or minimize substantial physical damage to off-site property or lands outside of the approved boundary of the mining operations.
 - b. **Notice and hearing.** Before issuing any correction or curtailment order, the Building Official shall establish a time for hearing and shall give written notice of the time and place of the hearing and the engineering hazard to be abated.
 - (1) The notice shall be given to the operator 10 days before the hearing at which time there will be an opportunity for all concerned parties to present evidence. The notice may be served in person or by certified mail.
 - (2) The notice shall include procedures for appeal of the determination by the Building

Official to the Commission and, thereafter, to the Board in compliance with [Chapter 35.102 \(Appeals\)](#).

- (3) At the same time that notice of the order is conveyed, the Building Official shall establish a date, time, and place for a publicly noticed hearing and review of the order as soon as possible, which date shall be no later than 48 hours after the order is issued or served.
- (4) The hearing shall be conducted in the same manner as a hearing on prior notice.
- (5) After the hearing, the Building Official may modify, revoke, or retain the emergency curtailment order.

c. Curtailment order without notice or hearing. In the event the Building Official determines there is an imminent danger to the public health and safety resulting from an alleged engineering hazard, the Building Official may summarily order the necessary curtailment of activities without prior notice and hearing and the order shall be obeyed upon notice of same, whether written or oral.

d. Appeal and effect of appeal. An affected person may appeal an order of the Building Official to the Commission in compliance with [Chapter 35.102 \(Appeals\)](#), within 10 days of the date that notice of the order is given.

- (1) If there is an appeal, the order of the Building Official shall remain in full force and effect until action is taken by the Commission or, upon appeal, the Board.
- (2) The decision of the Commission or Board on an appeal shall constitute a final action by the County.
- (3) The decision shall not preclude a surface mining operator from seeking judicial relief.
- (4) If an appeal is not filed, the Building Official's order becomes final.

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

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

2. Zoning Clearance required prior to commencement of development authorized by a Conditional Use Permit and Reclamation Plan. A surface mine operator shall obtain a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearance\)](#), prior to the initiation of mining and reclamation activities approved in compliance with a Conditional Use Permit and Reclamation Plan. Except for Agricultural Soil Export Mining, the surface mine operator shall also obtain a separate Zoning Clearance to implement a Reclamation Plan.

- a. This requirement to obtain a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearance\)](#) shall take precedence over existing permit conditions requiring the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) prior to the initiation of mining and reclamation activities approved in compliance with a Conditional Use Permit and Reclamation Plan as of December 1, 2011.

F. Application requirements. An application for a Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan shall include:

1. The application forms provided by the Department and each of the informational items listed on the Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan application forms;
2. Documentation of how the mining operation authorized under the proposed Conditional Use Permit or Minor Conditional Use Permit would be in compliance with the minimum acceptable surface mining practices specified in California Code of Regulations, Title 14, Section 3503; and
3. A proposed Reclamation Plan that includes all of the information required by SMARA Section 2772(c) and California Code of Regulations, Title 14, Section 3502, documentation of how the proposed plan satisfies the reclamation standards specified in California Code of Regulations, Title 14, Sections 3700 - 3713, and a grading plan that illustrates the existing (pre-mining) topography, the topography at the end of any designated phase of mining and reclamation, and the topography of the final reclaimed surface to remain after the cessation of mining activities.

The Conditional Use Permit or Minor Conditional Use Permit application and the proposed Reclamation Plan shall be submitted concurrently but compiled and presented as two separate documents. The number of copies of the Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan applications to be submitted shall be determined by the Department.

G. Processing.

1. Agency notification.

- a. **Department of Conservation.** Within 30 days of receipt of an application for a Conditional Use Permit or Minor Conditional Use Permit for surface mining operations or substantial amendment, and/or a Reclamation Plan, the County shall notify the Director of the Department of Conservation of the filing of the application. (SMARA Section 2774(e))
- b. **Department of Transportation.** Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Department shall also notify the state Department of Transportation that the application has been received. (SMARA Section 2770.5)
- c. **County departments.** The Department shall provide a copy of the application to each County department represented on the Subdivision/Development Review Committee for review and recommendation to the review authority.

2. **Environmental review.** Upon a determination by the County that the applications are complete, the applications for Conditional Use Permit or Minor Conditional Use Permit and Reclamation Plan approval shall be reviewed in compliance with the California Environmental Quality Act.

3. Public hearings.

a. Conditional Use Permit and Minor Conditional Use Permits.

- (1) The review authority shall consider the Conditional Use Permit or Minor Conditional Use Permit at a noticed public hearing and shall approve, conditionally approve, or deny the request.
- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (3) The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- ~~(4) In the Coastal Zone, a decision of the Board to approve a Conditional Use Permit or Minor Conditional Use Permit in compliance with this Section may be appealed to the Coastal Commission in compliance with Chapter 35.102 (Appeals).~~

b. Reclamation Plan and financial assurances.**(1) Agricultural Soil Export Mining.**

- (a) The Department shall submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with an analysis of the proposed Reclamation Plan, financial assurances, or amendments and its certification that the documents and their content comply with all applicable State Regulations. (SMARA Section 2774(c))
- (b) The Director of the Department of Conservation shall have 30 days from the date of receipt of the Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director of the California Department of Conservation so chooses. (SMARA Section 2774(d))
- (c) The Zoning Administrator shall then consider the Reclamation Plan, financial assurances, or amendments and all comments received from the Director of the Department of Conservation that are submitted within the statutory comment period at a noticed public hearing and shall approve, conditionally approve or deny the Reclamation Plan and financial assurances.
- (d) The Zoning Administrator shall incorporate the comments and recommendations of the Director of the Department of Conservation into the Reclamation Plan as part of plan approval or shall adopt detailed written responses that explain why specific comments or recommendations were not accepted. (SMARA, Section 2774(d))
- (e) Copies of any written comments received and responses prepared by the Zoning Administrator shall be promptly forwarded to the surface mining operator.
- (f) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (g) The action of the Zoning Administrator is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- (h) A decision of the Board on a Reclamation Plan may be appealed to the State Mining and Geology Board in compliance with Public Resources Code Section 2770, and California Code of Regulations, Title 14, Section 3650.

(2) Mining other than Agricultural Soil Export Mining.

- (a) Prior to taking final action on the Reclamation Plan, the Commission shall first conceptually approve the Reclamation Plan, financial assurances, and any amendments thereto, at a noticed public hearing before submitting them to the Director of the Department of Conservation for review.
- (b) The Commission shall then submit the Reclamation Plan, financial assurances, or amendments to the Director of the Department of Conservation for review, together with its certification that the documents and their content comply with all applicable State Regulations. (SMARA, Section 2774(c))
- (c) The Director of the Department of Conservation shall have 30 days from the date of receipt of the conceptually approved Reclamation Plan or plan amendments, and 45 days from the date of receipt of financial assurances, to prepare written comments, if the Director so chooses. (SMARA Section 2774(d))
- (d) The Commission shall consider all comments from the Director of the Department of Conservation that are submitted within the statutory comment

period at a noticed public hearing and shall take final action to approve, conditionally approve or deny the Reclamation Plan and financial assurances.

- (e) The Commission shall incorporate the comments and recommendations of the Director of the Department of Conservation into the Reclamation Plan as part of plan approval or shall adopt detailed written responses that explain why specific comments or recommendations were not accepted. (SMARA Section 2774(d))
 - (f) Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the surface mining operator.
 - (g) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - (h) The final action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
 - (i) A decision of the Board on a Reclamation Plan may be appealed to the State Mining and Geology Board in compliance with Public Resources Code Section 2770, and the California Code of Regulations, Title 14, Section 3650.
- 4. State notification of County approval.** The Department shall forward a copy of each approved Conditional Use Permit or Minor Conditional Use Permit for mining operations and/or approved Reclamation Plan to the Director of the Department of Conservation.
- 5. State review of financial assurances.** The Department shall also forward a copy of the approved financial assurances to the Director of the Department of Conservation for review. See Subsection J.2 (Requirements, forms, and amount) below.

H. Performance standards.

1. Surface mining operations.

- a. Compliance with State Regulations required.** All surface mining operations for which a new or revised Conditional Use Permit or Minor Conditional Use Permit is required shall comply with the requirements contained in SMARA and implementing State Regulations.
- b. Compliance with County standards required.** The following standards shall apply in addition to the State Regulations as determined by the review authority to be appropriate to surface mining operations that are subject to a new or substantially revised Conditional Use Permit or Minor Conditional Use Permit.
 - (1) Appearance.** Mining operations shall be conducted in a neat and orderly manner, free from junk, trash, or unnecessary debris. Where in public view, salvageable equipment stored in a non-operating condition shall be suitably screened or stored in an enclosed structure.
 - (2) Noise and vibration.** Noise and ground vibration shall be controlled so as to minimize any disturbance of neighbors. The volume of sound measured outside during calm air conditions, generated by any use on the subject property shall not exceed 65 dB(A) LDN as measured at the location of the nearest noise sensitive use (as defined in the County Noise Element) beyond the property line of the mining operation.
 - (3) Traffic safety.**
 - (a) Parking shall be provided in compliance with [Chapter 35.36 \(Parking and Loading Standards\)](#). Adequate provision shall be made for the queuing and loading of trucks.
 - (b) Haul roads shall be located away from property lines where possible, except where adjoining property is part of the mining operation. Where processing

facilities are not located on the same site as the mining operation, off-site haul routes shall be specified in the mining permit. The haul routes as well as other transport routes from the processing facilities to market destinations shall avoid, to the maximum extent feasible, routing through residential neighborhoods.

- (c) The number and location of access points to the mining operation shall be specified in the mining permit.
- (4) **Dust control.** During hours of operations, all access roads shall be contained, protected, or wetted in a manner designed to minimize the generation of dust.
- (5) **Public health and safety.**
 - (a) Appropriate measures, including fencing, shall be provided where determined by the review authority to be necessary for public safety.
 - (b) Excavations shall be posted to give reasonable public notice where determined by the review authority to be necessary for public safety.
 - (c) A body of water created during operations within the excavation shall be maintained in a manner designed to provide for maximum mosquito control and to prevent the creation of health hazards or a public nuisance.
 - (d) Any generation of offensive fumes or odors, glare, heat, noxious gases or liquids, or radiation and all other activities shall be conducted in a manner that will not be injurious to the health, safety, or general welfare of persons residing or working in the neighborhood by reason of danger to life or property.
- (6) **Screening.** To the maximum extent feasible, screening or other aesthetic treatments (e.g., berms, fences, plantings of suitable shrubs and/or trees) shall be required, where necessary, to minimize visibility from public view of cut slopes or mining operations, structures, and equipment. Mining operations that are visible from a scenic highway designated in the Comprehensive Plan, as well as from a route classified as having highest scenic values in the Open Space Element, shall be screened or other appropriate and effective aesthetic treatments shall be used to minimize impacts on scenic resources.
- (7) **Protection of streams and groundwater basins.** All surface mining operations shall incorporate measures to protect surface and groundwater quality as determined necessary and required by law by relevant county, state and federal agencies.
- (8) **Slope stability.** All excavation or placement of fill associated with mining operations shall be conducted in a manner that avoids landslides or other slope instabilities.
- (9) **Annual report.** Each surface mining operator shall forward an annual status report to the Director of the Department of Conservation and the Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board. (Public Resources Code Section 2207, Subdivisions (a) through (g))

2. Reclamation Plans.

- a. **Compliance with State standards required.** Each new or substantially amended Reclamation Plan shall comply with the minimum statewide performance standards required by SMARA Section 2773(b), and identified in California Code of Regulations, Title 14, Section 3700 et seq., regarding:
 - (1) Backfilling, recontouring;
 - (2) Regrading, revegetation, and slope stability;

- (3) Closure of surface openings; diversion structures, drainage, erosion control, and waterways;
 - (4) Prime agricultural land reclamation, other agricultural land, equipment, and structure removal;
 - (5) Stream protection, including groundwater and surface;
 - (6) Tailing and mine waste management;
 - (7) Topsoil maintenance, redistribution, and salvage; and
 - (8) Wildlife habitat.
- b. Compliance with County standards required.** The following standards shall apply in addition to the state standards, as determined by the review authority to be appropriate to surface mining operations that are subject to new or substantially amended Reclamation Plans.
- (1) **Revegetation.** All revegetation and/or re-establishment shall comply with an approved landscaping plan, in compliance with [Chapter 35.34 \(Landscaping Standards\)](#).
 - (2) **Visual resources.** The Reclamation Plan shall, to the maximum extent feasible, provide for the protection and reclamation of the visual resources of the area affected by the mining operation. Measures may include re-soiling, re-contouring of the land to be compatible with the surrounding natural topography, and re-vegetation and the end uses specified by the landowner. Where the mining operation requires the cutting, leveling, removal, or other alteration of ridgelines on slopes of 20 percent or more, the Reclamation Plan shall ensure that the mined areas are found compatible with the surrounding natural topography and other resources of the site.
 - (3) **Grading regulations.** Each Reclamation Plan shall comply with applicable provisions of the Grading Ordinance (County Code Chapter 14).
 - (4) **Phasing of reclamation.** See also Subsection K. (Inspections) below.
 - (a) A Reclamation Plan shall include a description of and plan for the type of surface mining to be employed and an estimated time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. (SMARA, Section 2772(f))
 - (b) Where appropriate, interim management may also be required for mined lands that have been disturbed and will be disturbed again in future operations and yet do not qualify as "idle" within the meaning of SMARA Section 2727.1.
 - (c) The interim management is for the purpose of minimizing adverse environmental impacts during extended periods of inactivity before resumption of mining and ultimate reclamation.
 - (d) Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, fill, or removal as approved by the review authority.
 - (e) Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the estimated beginning and ending dates for each phase, all reclamation activities required, criteria for measuring completion of specific reclamation activities, and estimated costs in compliance with Subsection J. (Financial assurances for Reclamation Plans) below.

(f) The reclamation schedule shall be subject to review authority approval.

I. Findings for approval.

- 1. Surface mining operations.** In addition to the findings required for the approval of a Conditional Use Permit or Minor Conditional Use Permit by [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), a Conditional Use Permit or Minor Conditional Use Permit application for surface mining operations shall be approved or conditionally approved only if the review authority also first finds that the project complies with Subsection H.1 (Surface mining operations) above.
- 2. Reclamation Plans.** An application for a Reclamation Plan shall be approved or conditionally approved only if the review authority first makes all of the following findings:
 - a. The Reclamation Plan complies with applicable requirements of SMARA and associated State Regulations, with applicable provisions of the County's Grading Ordinance (County Code Chapter 14), and with other appropriate engineering and geologic standards.
 - b. The Reclamation Plan and the potential use of reclaimed land in compliance with the plan are consistent with the provisions of this Development Code and the Comprehensive Plan.
 - c. In approving or conditionally approving the Reclamation Plan, the required findings in compliance with the California Environmental Quality Act can be made.
 - d. The land and/or resources (e.g., water bodies to be reclaimed) will be reclaimed to a condition that is compatible with the surrounding natural environment, topography, and other resources.
 - e. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses specified by the landowner and consistent with this Development Code and the Comprehensive Plan. Any Reclamation Plan for Agricultural Soil Export Mining will reclaim the graded land solely for the purpose of agricultural activity, as defined in California Code of Regulations, Title 14, Section 3501.
 - f. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of the major issues raised by the Director of the Department of Conservation. Where the review authority does not agree with the recommendations and objections raised by the Director of the Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA, Section 2774(d))

J. Financial assurances for Reclamation Plans.

- 1. Purpose.** This Section is intended to ensure that reclamation will proceed in compliance with an the approved Reclamation Plan, as it may be amended, through the maintenance of funds available to the County and the State that are adequate to reclaim the site in the event of a default by the operator.
- 2. Requirements, forms, and amount.**
 - a. The operator shall post a financial assurance instrument or mechanism in a form authorized under California Code of Regulations, Title 14, Section 3800 et seq. of the State Mining and Geology Board reclamation regulations.
 - b. Financial assurances shall be made payable to the County and the Department of Conservation. (SMARA, Section 2773.1(a)(4))
 - c. The amount of the financial assurance to be posted with the County shall be equivalent to the estimated cost of reclamation of the site from its current condition in a manner consistent with the approved Reclamation Plan, plus an amount to ensure reclamation of the additional ground disturbance anticipated to occur in the following year. The financial assurance shall be

based on a cost estimate prepared using the Financial Assurance Guidelines adopted by the State Mining and Geology Board. All financial assurances shall be approved by the County and the Department of Conservation.

- d. The financial assurance amount shall be based on an estimate of "third-party" costs to reclaim the mined lands. These costs shall include direct costs for onsite reclamation activities, such as revegetation, grading, and equipment removal, and indirect costs, such as supervision, mobilization, profit and overhead, contingencies, and lead agency monitoring. The operator shall submit a reclamation cost estimate using the State Financial Assurance Guidelines or similar instrument, for review and approval by the County and Department of Conservation prior to posting of a new or revised Financial Assurance.

K. Inspections. Each Surface Mining Permit and Reclamation Plan shall provide for periodic compliance inspections as follows.

1. The Department or other designated County agency shall conduct an inspection of a surface mining operation within 180 days of receipt of the annual report required in Subsection H. (Performance standards) above, filed by the mining operator in compliance with Public Resources Code Section 2207, solely to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan, and the State Regulations. (SMARA, Section 2774 (b))
2. In no event shall less than one inspection be conducted within any single calendar year.
3. The inspection may be made by a state-registered civil engineer, state-registered forester, state-registered geologist, state-licensed landscape architect, or other qualified specialist, as approved by the County.
4. All inspections shall be conducted using a form approved by the Department of Conservation or the State Mining and Geology Board.
5. The County shall notify the Director of the Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted and shall forward a copy of the inspection report and any supporting documentation to the Director of the Department of Conservation and mining operator.
6. The operator shall be solely responsible for the reasonable cost of the inspection by the County and its designees.

L. Interim management plan requirements.

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770 (h))
 - a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan.
 - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. ((SMARA, Section 2770(h))
 - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.
2. **Director review and decision.** The Director shall be the review authority for an amendment to the Reclamation Plan required to incorporate an interim management plan associated with mining operation including an Agricultural Soil Export Mining operation.

- a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the Director shall review, and approve or deny the plan in compliance with Subsection G. (Processing), above, except that a public hearing is not required.
 - (1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
 - (2) The Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
 - (3) An action of the Director to deny the revised interim management plan is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- 3. Time limit, extension.** The interim management plan shall remain in effect for a period not to exceed five years, at which time the Director shall do one of the following:
 - a. Renew the interim management plan for an additional period not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
 - b. Require the surface mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
 - c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- M. Time limit for commencement of surface mining operation.** The time limit for commencing a surface mining operation allowed in compliance with this Section shall be the same as the time limit of the Conditional Use Permit or Minor Conditional Use Permit required in compliance with Subsection E. (Permit and Reclamation Plan requirements) above.
- N. Violations and penalties.**
 - 1. Failure to comply with approved Reclamation Plan.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its approved Reclamation Plan, the County shall follow the procedures in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties.
 - 2. Failure to comply with Conditional Use Permit or Minor Conditional Use Permit.** If the County, based upon an annual inspection or otherwise confirmed by an inspection of the mining site, determines that a surface mining operation is not in compliance with its Conditional Use Permit or Minor Conditional Use Permit, the County shall follow the procedures for permit revocation and other enforcement actions specified in [Section 35.84.060 \(Revocations\)](#) and [Chapter 35.108 \(Enforcement and Penalties\)](#).
- O. Fees.** The Board Fee Schedule shall include fees as reasonable and necessary to cover the costs of implementing this Section and the State Regulations, including application processing, preparation of annual reports, compliance inspections, and enforcement.
- P. Post approval procedures.** The procedures and requirements in [Chapter 35.84 \(Post Approval Procedures\)](#), and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Reclamation and Surface Mining Permit.

35.82.170 - Sign Certificates of Conformance

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Sign Certificates of Conformance that are required in compliance with [Chapter 35.38 \(Sign Standards\)](#). The intent of this Section is to ensure that proposed signage is visually attractive and complies with the goals of the County.
- B. Applicability.** Before erecting, applying, installing, affixing, altering, relocating or projecting as an image any signage, a Sign Certificate of Conformance shall be issued, unless identified as exempt from permit requirements by [Chapter 35.38 \(Sign Standards\)](#).
- C. Contents of application.** An application for a Sign Certificate of Compliance shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. The Director shall review the Sign Certificate of Conformance application for compliance with the Comprehensive Plan including applicable community or area plans, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve or deny the request. A Sign Certificate of Conformance shall not be issued by the Director until all necessary prior approvals (e.g., Design Review, Overall Sign Plan) have first been obtained.
 - a. Signs located in shopping centers.** A Sign Certificate of Compliance for a sign located within a shopping center shall not be issued by the Director unless the sign is determined to be in compliance with an Overall Sign Plan approved in compliance with [Section 35.82.150 \(Overall Sign Plan\)](#).
 2. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- E. Findings required for approval.** A Sign Certificate of Conformance application shall be approved or conditionally approved only if the Director first makes all of the following findings:
1. The proposed signage is in compliance with [Chapter 35.38 \(Sign Standards\)](#).
 2. The subject property is in compliance with all laws, regulations, and rules pertaining to zone uses, subdivisions, height requirements, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid.
- F. Permit expiration.** A Sign Certificate of Conformance shall remain valid only as long as compliance with all applicable requirements of this Development Code and the permit continues.

35.82.180 - Sign Modifications

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Sign Modifications of certain limitations for menu boards for drive-through restaurants and wall signs that are not part of an Overall Sign Plan, and for off-site signs, that are outside of shopping centers.
- B. Applicability.** Sign Modifications may be granted for the following types of signs located within property zoned commercial and industrial located outside of shopping centers:
1. Menu boards for drive-through restaurants.
 2. Off-site signs located on property with a C-3, M-1 or M-2 zone designation.
 3. Wall signs.
- C. Allowed Sign Modifications.** Sign Modifications are limited to the following:
1. **Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards may be allowed.

2. **Off-site signs.** An increase in the height limit of off-site signs may be allowed.
 3. **Wall signs.** An increase in the area limitation of wall signs may be allowed.
- D. Contents of application.** An application for a Sign Modification shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- E. Processing.**
1. The Zoning Administrator shall hold at least one noticed public hearing on the requested Sign Modification and approve, conditionally approve, or deny the request.
 2. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 3. The action of the Zoning Administrator is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- F. Findings required for approval.** A Sign Modification application shall be approved or conditionally approved only if the Zoning Administrator first makes the following findings, as applicable:
1. **Menu boards for drive-through restaurants.**
 - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
 2. **Off-site signs.** The increase in height is warranted by unusual topographic conditions.
 3. **Wall signs.**
 - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
 - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

35.82.190 - Use Determinations

- A. Purpose and intent.** The purpose of this Section is to provide procedures for evaluating proposed land uses that are not specifically enumerated in a zone but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone. The intent of this Section is to provide specific consideration of such uses. Within this section “permitted uses” shall mean those uses in Tables 2-1, 2-4, 2-7 through 2-9, 2-14 through 2-16, 2-19, 2-20, 2-22 and 2-23 in which the “Permit Requirement” is denoted with a “P”.
- B. Applicability.** The provisions of this Section shall only apply to zones identified in Subsection [35.20.030.A.3](#) (Similar and compatible use may be allowed).
- C. Contents of application.** An application for a Use Determination shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
1. **Use Determinations under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the review authority for the Use Determination.
 - a. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - b. Notice of the application and pending action or action for the Use Determination shall be

given in compliance with [Section 35.106.050 \(Land Use Permits—Inland Area\)](#) except that posted notice by the applicant is not required.

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

2. Use Determinations under the jurisdiction of the Commission.

- a. After receipt of an application for a Use Determination, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. The Commission shall hold at least one noticed public hearing on the requested Use Determination and approve, conditionally approve, or deny the request.
- c. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- d. The action of the Commission is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

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

1. Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Service Commercial (C-S), Professional and Institutional (PI), Industrial Research Park (M-RP) and Light Industry (M-1) zones.

- a. The proposed use is similar in character to those listed as permitted uses in the applicable zone.
- b. The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the applicable zone because of noise, odor, dust, smoke, vibration, danger to life, property or other similar causes.

2. Highway Commercial (CH) zone. The proposed use is operated primarily for the purpose of serving the essential needs of travelers on highways.

3. Community Mixed Use - Los Alamos (CM-LA) zone. The proposed use is important to the daily (frequent) needs of residents in the surrounding area and is important to the shopping needs of the community.

4. Neighborhood Commercial (CN) zone.

- a. The proposed use is similar in character to those listed as permitted uses in the CN zone.
- b. The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the CN zone because of noise, odor, dust, smoke, vibration, traffic congestion, danger to life, property or other similar causes.

5. Old Town Residential/Light Commercial (OT-R/LC) and Old Town Residential/General Commercial (OT-R/GC) zones.

a. Similar permitted uses.

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

b. Similar uses allowed with a Conditional Use Permit.

- (1) The proposed use is found to be of the same nature as those permitted with a Conditional Use Permit and would be consistent with the character of the "Old Town" area.

6. Shopping Center (SC) zones.**a. Use Determinations under the jurisdiction of the Director.**

- (1) The proposed use is similar in character to uses that:
 - (a) Are already listed in Table 2-21 (Allowable Land Uses and Permit Requirements for the SC Zone) as permitted uses for the applicable type of shopping center; or,
 - (b) Are allowed as permitted uses as part of a previously approved planning permit for the existing, developed shopping center in which the use is proposed.
- (2) The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those use included in Subsection E.5.a.(1), above, because of noise, odor, dust, smoke, vibration, traffic congestion, depreciation of property values, danger to life, property or other similar causes.

b. Use Determinations under the jurisdiction of the Commission.

- (1) The proposed use is similar in character to those listed as permitted uses in the SC zone.
- (2) The proposed use is essential to:
 - (a) **Convenience Shopping Centers.** The daily (frequent) needs of the residents of the surrounding area.
 - (b) **Community Shopping Centers.** The shopping needs of the area it serves.
- (3) The proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the applicable zone because of noise, odor, dust, smoke, vibration, traffic congestion, depreciation of property values, danger to life, property or other similar causes.

7. Public Utilities (PU) zone. The proposed use is similar in character to those listed as permitted uses in the PU zone.

8. Recreation (REC) zone.

~~**a. Coastal Zone.** The proposed use is similar in character to those listed as permitted uses in the coastal REC zone.~~

~~**b. Inland area.** The proposed use is similar in character to those listed as permitted uses in the inland area REC zone, not including fairgrounds, amusement parks or large indoor recreational complexes.~~

~~**9. Transportation Corridor (TC) zone.** The proposed use is determined to be required for the purpose of operating a railroad or highway.~~

F. Applicable standards and permit requirements. When the Commission determines that a proposed, but unlisted, use is similar to a listed permitted use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

35.82.200 - Variances

A. Purpose and intent. The purpose and intent of this Section is to allow variances from the strict application of the provisions of this Development Code where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the

subject property), the literal enforcement of this Development Code would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this Development Code.

B. Applicability.

1. The provisions of this Section shall apply to all zones.
2. In no case shall a Variance be granted:
 - a. To allow a use or activity which is not otherwise allowed in the zone in which the property is located;
 - b. From the procedures identified in this Development Code; or
 - c. From the required number of parking spaces specified for Medium Density Student Residential (SR-M) zone, High Density Student Residential (SR-H) zone and Single Family Restricted (SF) overlay zone in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#).

C. Contents of application. An application for a Variance shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. ~~In the Inland area, a~~ An application filed in compliance with this Section that is determined by the Director to be inconsistent with the use and/or density requirements of this Development Code or the Comprehensive Plan shall be accompanied by an application to make the project consistent.
2. ~~In the Inland area, t~~ The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and approve, conditionally approve, or deny the request.
4. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
5. The Zoning Administrator, in approving the Variance may require conditions as deemed reasonable and necessary to promote the purpose and intent of this Development Code and the public health, safety, and welfare.
6. The action of the Zoning Administrator is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
7. Prior to the issuance of any planning permit required to effectuate the approved Variance, the applicant shall agree, in writing, to comply with all conditions imposed by the review authority in the granting of the Variance.

E. Findings required for approval. A Variance application shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

1. Due to special circumstances applicable to the subject property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the subject property of privileges enjoyed by other property in the vicinity and under identical zone classification.
2. The granting of the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
3. The granting of the Variance will not be in conflict with the purpose and intent of this Development Code or the Comprehensive Plan.

F. Post approval procedures. The procedures and requirements in [Chapter 35.84 \(Post Approval](#)

Procedures) and those related to appeals in [Article 35.10 \(Land Use and Development Code Administration\)](#), shall apply following the decision on an application for a Variance.

35.82.210 - Zoning Clearance

- A. Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection B. (Applicability) below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan, including any applicable community or area plan, this Development Code, and any conditions or development standards established by the County.
- B. Applicability.**
- 1. Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Development Code, unless other requirements of this Development Code specify that the Zoning Clearance is not required or the activity is exempt from the approval of a planning permit in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
 - 2. Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy all applicable provisions of this Development Code, including the conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final Maps, Development Plans, Parcel Maps). In cases where a construction permit is required by Chapter 10 of the County Code, the Zoning Clearance is processed and issued as part of the construction permit application and approval process. Issuance of a Zoning Clearance may also enable the establishment of a land use or structure that does not require a construction permit but is still subject to the standards of this Development Code.
- C. Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- D. Processing.**
- 1. Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan, including any applicable community or area plan, this Development Code, and other applicable conditions or regulations, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
 - a. All necessary prior approvals have been obtained;
 - b. The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and if applicable, zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#).
 - 2. Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, approve or deny a time extension to an issued Zoning Clearance, or approve or deny a minor change to an issued Zoning Clearance is final and not subject to appeal.
 - 3. Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with [Section 35.82.070 \(Design Review\)](#).
 - 4. Development Plan required.** Except for projects that only require the approval of a Zoning

Clearance in compliance with Section 35.23.130 (Multi-family Residential - Orcutt), the approval of a Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) shall be required before the issuance of any Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 square feet or more of gross floor area or is an attached, or detached addition that, together with the existing structures on the lot will total 20,000 square feet or more of gross floor area.

- 5. Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a Zoning Map Amendment or an Amendment to this Development Code, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on the amendment unless the proposed uses or structures will conform to both the existing zoning and existing provisions of this Development Code and amendment initiated by the Board unless a Conditional Use Permit was approved in compliance with [Section 35.82.060](#) or Preliminary or Final Development Plan was approved in compliance with [Section 35.82.080](#) before the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Conditional Use Permit or Preliminary or Final Development Plan.

E. Zoning Clearance expiration.

1. A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Development Code and the Zoning Clearance conditions continues.
2. A Zoning Clearance shall expire two years from the date of issuance if the use or structure for which the Zoning Clearance was issued has not been established or commenced in compliance with the issued Zoning Clearance unless a time extension is approved in compliance with [Section 35.84.030 \(Time Extensions\)](#).

- F. Minor changes to Zoning Clearances.** Minor changes to an issued Zoning Clearance shall be allowed in compliance with [Section 35.84.040 \(Changes to an Approved Project\)](#).

- G. Zoning Clearance revocation.** A Zoning Clearance issuance may be revoked or modified in compliance with [Section 35.84.060 \(Revocations\)](#).

CHAPTER 35.84 - POST APPROVAL PROCEDURES

Sections:

- 35.84.010 - Purpose and Intent
- 35.84.020 - Performance Guarantees
- 35.84.030 - Time Extensions
- 35.84.040 - Changes to an Approved Project
- 35.84.050 - Reapplications
- 35.84.060 - Revocations
- 35.84.070 - Post Approval Inspections

35.84.010 - Purpose and Intent

This Chapter establishes procedures for depositing and releasing performance securities, revising approved or issued permits required by this Development Code and procedures for granting extensions of time.

35.84.020 - Performance Guarantees

A. Deposit of financial assurances.

1. As a condition of approval of a planning permit, the review authority may require the deposit of a financial assurance (aka security) in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of a planning permit in the event that the obligor fails to perform.
2. The financial assurance shall be in the form of cash, surety/performance bond, trust fund (assignment of credit, certificate of deposit, passbook), irrevocable letter of credit, or other mechanism approved by the County.
3. The financial assurance shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.

B. Payable to the County. Any financial assurance required in compliance with this Section shall be payable to the County.

C. Satisfactory compliance. After satisfactory compliance with all applicable provisions of this Section, the financial assurance shall be released to the permittee.

D. Failure to comply.

1. Upon failure to perform any secured condition, the County may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the financial assurance shall be refunded to the obligor after deduction of the cost of the work.

35.84.030 - Time Extensions

A. Purpose and Intent. The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.

B. Applicability and filing. The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.

C. Contents of application. An application for a Time Extension shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

D. Processing.

1. Conditional Use Permits and Minor Conditional Use Permits.

a. Extension of permit approval. The review authority responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 8-1 (Review Authority) of [Chapter 35.80 \(Permit Application Filing and Processing\)](#) may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Subsection 35.82.060.G.3 (Time limits and extensions) one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Notice of the application shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (3) The review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.
- (4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (5) The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- (6) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection [35.82.060.E \(Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with \[Chapter 35.38 \\(Sign Standards\\)\]\(#\)\)](#) or Subsection [35.82.060.F \(Findings required for approval of Conditional Use Permit applications submitted in compliance with \[Chapter 35.38 \\(Sign Standards\\)\]\(#\)\)](#) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.

b. Discontinuance of Use. The review authority may extend the time limit that a Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Subsection [35.82.060.G.4 \(Conditional Use Permit void\)](#) one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Notice of the application shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (3) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
- (4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (5) The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

2. Development Plans (Preliminary and Final).

a. Extension of permit approval. The review authority responsible for reviewing and making a decision on the Development Plan in compliance with Table 8-1 (Review Authority) of [Chapter 35.80 \(Permit Application Filing and Processing\)](#) may extend the expiration of the approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- (4) The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection [35.82.080.E \(Findings required for approval\)](#) that were made in conjunction with the initial approval of the Development Plan can still be made.

b. Expiration. A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.

3. Land Use Permits. The Director may extend the expiration of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:

- a. Notice of the application shall be given in compliance with [Section 35.106.075 \(Time Extensions Under the Jurisdiction of the Director\)](#).
- b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- c. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Subsection [35.82.110.E \(Findings required for approval\)](#) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

4. Modifications. The Director may extend the approval of a Modification one time for 12 additional months for good cause shown in compliance with the following:

- a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. Notice of the application shall be given in compliance with [Section 35.106.075 \(Time Extensions Under the Jurisdiction of the Director\)](#).
- c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.

- d. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that the applicable findings for approval required in compliance with Subsection [35.82.110.E](#) (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.

5. Oil Drilling and Production Plan.

- a. **Extension of permit approval.** The review authority responsible for reviewing and making a decision on the Oil Drilling and Production Plan in compliance with Table 8-1 (Review Authority) of [Chapter 35.80 \(Permit Application Filing and Processing\)](#) may extend the expiration of the approved or conditionally approved Oil Drilling and Production Plan one time for 12 additional months for good cause shown in compliance with the following:
 - (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - (4) The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
 - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with [Section 35.55.030 \(Oil Drilling and Production – Findings for Oil Drilling and Production Plans\)](#) ~~Section 35.54.040 (Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs – Findings for Production Plans)~~ that were made in conjunction with the initial approval of the Oil Drilling and Production Plan can still be made.
- b. **Expiration.** An Oil Drilling and Production Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Oil Drilling and Production Plan, whichever occurs first.

6. Zoning Clearances.

The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:

- (a) An application for a time extension shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- (c) Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that the requirements for the issuance of a Zoning Clearance required in compliance with Subsection [35.82.210.D.1](#) (Review for compliance) are still met.
- (d) The action of the Director is final and is not subject to appeal.

7. Waiver of public hearing.

The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.7.a, above, is mailed.
- c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.
- d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Commission's hearing agenda following the mailing of the notice.

~~8. **Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director for good cause may extend the expiration of a planning permit for additional 24 month periods in compliance with the following:~~

- ~~a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.~~
- ~~b. The application for the Time Extension is filed with the Department in compliance with the following:

 - ~~(1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).~~
 - ~~(2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.~~~~
- ~~c. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).~~
- ~~d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.~~
- ~~e. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~This Subsection D.8 shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.~~

- E. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

35.84.040 - Changes to an Approved Project

Development or a new land use authorized through a planning permit granted in compliance with this Development Code shall be established only as approved by the review authority and in compliance with any

conditions of approval, except where a change to the project is approved in the following manner. A change may be requested before, during or after construction or establishment and operation of the approved land use.

A. Contents of application. An application for a change to an approved or issued planning permit shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

B. Minor changes to ~~Coastal Development Permits, Land Use Permits, and Zoning Clearances.~~ Minor changes to an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, may be allowed; provided, the changes substantially conform to the approved or issued permit or clearance. A request shall be processed in the following manner:

1. The Director may approve a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, subject to all of the following:
 - a. The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit;
 - b. There is no change in the use or scope of the development;
 - c. The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings;
 - d. The ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ has not expired; and
 - e. The minor change is exempt from Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
2. Where a minor change of an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, is approved, the permit or clearance shall have the same effective and expiration dates as the original permit or clearance and no additional public notice shall be required.
3. Where it cannot be determined that the minor change materially conforms to an approved or issued ~~Coastal Development Permit or Land Use Permit~~ or issued Zoning Clearance in compliance with the above criteria, a new ~~Coastal Development Permit, Land Use Permit, or Zoning Clearance~~ shall be required.
4. The determination to allow a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~, or issued Zoning Clearance, is final and not subject to appeal, ~~except that a decision on a request to revise a Coastal Development Permit which allows development defined as appealable development may be appealed in compliance with Chapter 35.102 (Appeals).~~

Note: Also refer to Appendix ~~E-C~~ (Guidelines for Minor Changes to ~~Coastal Development and Land Use Permits~~).

C. Substantial Conformity Determinations. The Director may approve a minor change to an approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix ~~HE~~), that the change is in substantial conformity with the approved permit.

1. **Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
2. **Processing.**
 - a. The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - b. The action of the Director is final and not subject to appeal.

- c. Notice of the application or pending decision on a Substantial Conformity Determination is not required.
- 3. Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** Prior to the commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) shall be required.
- a. Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan.
- D. Amendments.** Where the Director is unable to determine that a requested change to an approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan, is in substantial conformity with the approved permit in compliance with Subsection C, above, the Director may instead amend a Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan, or Oil Drilling and Production Plan in compliance with the following.
- 1. Contents of application.** An application for an Amendment shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- 2. Area under review.** The location within the project site that the subject of the application for the Amendment:
- a. Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
- b. Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
- 3. Processing.**
- a. The Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. The Department shall refer the application to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the review authority. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c. Notice shall be given in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action).
- d. The Director shall review the application for the Amendment for compliance with the Comprehensive Plan including any applicable community and area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
- e. The action of the Director is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- f. Findings.** An application for an Amendment shall be approved or conditionally approved only if the Director first makes all of the following findings:

- (1) That the findings required for approval of the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - (2) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit, Demolition and Reclamation Permit, Final Development Plan or Oil Drilling and Production Plan.
- 4. Zoning Clearance required prior to commencement of development and/or use authorized by an Amendment.** Prior to the commencement of the development and/or use authorized by the Amendment, the issuance of a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) shall be required.

E. Revisions.

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

35.84.050 - Reapplications

An application shall not be accepted or acted upon if within the past 12 months an application has been made and denied by the County which covers substantially the same real property, and which requests approval of substantially the same project, unless the review authority allows the reapplication because of an express finding that one or more of the following factors applies:

- A. New evidence.** New evidence potentially material to a revised decision is presented which was unavailable or unknown to the applicant at the previous hearing and which could not have been discovered in the exercise of reasonable diligence by the applicant.
- B. Substantial and permanent change of circumstances.** There has been a substantial and permanent change of circumstances since the previous hearing which materially affects the applicant's real property.
- C. Mistake made at the previous hearing.** A mistake was made at the previous hearing which was a material factor in the denial of the previous application.

35.84.060 - Revocations

This Section provides procedures for revocation or modification of issued ~~Coastal Development Permits, Land Use Permits and Zoning Clearances~~ and approved Conditional Use Permits and Minor Conditional Use Permits. The County's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

- A. ~~Revocation of Coastal Development Permits, Land Use Permits and Zoning Clearances.~~** Issuance of a ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.
1. **Notification.** Written notice of such Revocation shall be provided to the permittee.
 2. **Appeal.** The action of the Director to revoke a ~~Coastal Development Permit, Land Use Permit or Zoning Clearance~~ is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- B. Conditional Use Permits.** If the review authority who approved the Conditional Use Permit or Minor Conditional Use Permit determines that the permittee is not in compliance with one or more of the conditions of an approved Conditional Use Permit or Minor Conditional Use Permit, the review authority may revoke the Conditional Use Permit or Minor Conditional Use Permit, or direct the permittee to apply for an Amendment or Revision, in compliance with Subsection [35.84.040.D \(Amendments\)](#) or Subsection [35.84.040.E \(Revisions\)](#).
1. **Procedures.**
 - a. The review authority shall hold at least one noticed public hearing prior to revoking the Conditional Use Permit or Minor Conditional Use Permit or directing the applicant to apply for an Amendment or Revision in compliance with the provisions of this Development Code.
 - b. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - c. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
 - d. Where the applicant has been directed to apply for an Amendment or Revision in compliance with [Section 35.84.040 \(Changes to an Approved Project\)](#) above, the review authority for the revocation shall also be the review authority for the required Amendment or Revision.

35.84.070 - Post Approval Inspections

If the permit or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate County officials access to the premises at all reasonable times in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

CHAPTER 35.86 - DEVELOPMENT AGREEMENTS

Sections:

- [35.86.010 - Purpose and Intent](#)
- [35.86.020 - Application Requirements](#)
- [35.86.030 - Notices and Hearings](#)
- [35.86.040 - Standards of Review, Findings and Decision](#)
- [35.86.050 - Development Agreement Amendment or Cancellation](#)
- [35.86.060 - Recordation](#)
- [35.86.070 - Periodic Review](#)
- [35.86.080 - Modification or Termination](#)

35.86.010 - Purpose and Intent

The purpose and intent of this Chapter is to establish procedures and requirements for the review and approval of Development Agreements in compliance with Government Code Section 65864, et seq.

35.86.020 - Application Requirements

A. Qualification as an applicant.

1. Only a person who has legal or equitable interest in the real property that is the subject of a proposed Development Agreement, or their authorized agent may apply to the County for the approval of a Development Agreement.
2. The Director may require an applicant to submit proof of their interest in the real property and of the authority of an agent to act for the applicant.
3. Before processing the application, the Director shall obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the Agreement.

B. Application contents.

1. **Forms and information.** The Director shall prescribe the form for application, notice, and documents provided for or required under this Chapter for the preparation and implementation of a Development Agreement. The Director may require an applicant to submit information and supporting data as the Director considers necessary to process the application.
2. **Proposed form of Agreement.** Each application shall be accompanied by a draft Development Agreement in the form required by the County.
3. **Fee.** Each application for a Development Agreement shall include the processing fee deposit established by the Board's Fee Resolution.

C. **Application filing and processing.** An application for a Development Agreement shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

35.86.030 - Notices and Hearings

A. **Notice of intention.** The Director shall give notice of intention to consider adoption of a Development Agreement in addition to any other notice required by this Development Code for other actions to be considered concurrently with the Development Agreement. The notice shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).

B. Public hearings.

1. **Commission and Board hearings required.** The Commission shall conduct at least one public

hearing on a proposed Development Agreement before making a recommendation to the Board on the Agreement, and the Board shall conduct at least one hearing before making a decision on the application.

2. **Hearing notice.** Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#). Failure of any person entitled to notice required by law or this Development Code does not affect the authority of the County to enter into a Development Agreement.

35.86.040 - Standards of Review, Findings and Decision

A. Commission recommendation. After a hearing, the Commission shall make its recommendation in writing to the Board. The recommendation shall include the Commission's findings and determination, and reasons for the determination, as to whether the Development Agreement proposed:

1. Is consistent with the objectives, policies, general land uses, and programs specified in the Comprehensive Plan and any applicable Specific Plan.
2. Provides that any tentative map which is included in the Development Agreement will comply with Government Code Section 66473.7 regarding water supply.
3. Contains provisions for periodic review pursuant to Government Code Section 65854.1.
4. Complies with Government Code Section 65865.2 as may be amended from time to time which states:
 - a. The Development Agreement shall specify the following:
 - (1) The duration of the Agreement;
 - (2) The permitted uses of the property;
 - (3) The density or intensity of use;
 - (4) The maximum height and size of proposed buildings; and
 - (5) Provisions for reservation or dedication of land for public purposes.
 - b. The Development Agreement may include the following:
 - (1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the Agreement;
 - (2) That construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time; and/or
 - (3) Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

B. Decision by the Board.

1. **Board's decision.** After the Board completes its public hearing, it may approve, conditionally approve, or deny the Development Agreement.
2. **Referral to the Commission.** The Board may, but need not, refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission may, but need not, hold a public hearing on matters referred back to it by the Board.
3. **Required findings.** The Board shall not approve the Development Agreement unless it first makes the findings identified in Subsection A. (Commission recommendation) above.

- C. Approval of Development Agreement.** The Board's approval of a Development Agreement shall be by the adoption of an ordinance. The Board may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

35.86.050 - Development Agreement Amendment or Cancellation

- A. Initiation of amendment or cancellation.** Either party to the Agreement may propose an amendment to or cancellation of an effective Development Agreement, in whole or in part.
- B. Procedure.** The procedure for proposing and adopting an amendment to, or cancellation in whole or in part of a Development Agreement shall be the same as the procedure for entering into an Agreement as provided by this Chapter, except as otherwise provided in the Development Agreement.

35.86.060 - Recordation

- A. Time for recordation.** Within 10 days after the County enters into the Development Agreement, the County Clerk shall record the Agreement with the County Recorder.
- B. Notice of amendment or cancellation.** If the parties to the Agreement or their successors-in-interest amend or cancel the Agreement, or if the County terminates or modifies the Agreement for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the County Clerk shall record notice of the action with the County Recorder.

35.86.070 - Periodic Review

- A. Review required.** Every Development Agreement approved and executed in compliance with this Chapter shall be subject to annual County review during the full term of the Agreement. Appropriate fees to cover the County's costs to conduct the periodic reviews shall be collected from the applicant.
- B. Purpose of review.** The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the County.
- C. Initiation of review.** The applicant shall contact the Director to initiate the required periodic review no later than 60 days before the expiration of each 12 month period after the execution of the Development Agreement.
- D. Action based on non-compliance.** If, as a result of periodic review the Board finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the Agreement, the Board may after a noticed public hearing in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#), modify or terminate the Agreement.

35.86.080 - Modification or Termination

- A. Proceedings upon modification or termination.** If, upon a finding made under Subsection [35.86.070.D](#) (Action based on non-compliance) above, the County determines to proceed with modification or termination of the Agreement, the County shall give notice to the property owner of its intention to do so. The notice shall contain:
1. The time and place of the hearing;
 2. A statement as to whether or not and in what respects the County proposes to modify or terminate the Development Agreement; and
 3. Other information that the County considers necessary to inform the property owner of the nature of the proceeding.
- B. Hearing on modification or termination.** At the time and place set for the hearing on modification or

termination, the property owner shall be given an opportunity to be heard. The decision of the Board shall be final.

CHAPTER 35.88 - SPECIFIC PLANS

Sections:

- [35.88.010 - Purpose and Intent](#)
- [35.88.020 - Initiation](#)
- [35.88.030 - Contents of Application](#)
- [35.88.040 - Processing of Specific Plans](#)
- [35.88.050 - Findings Required for Approval](#)

35.88.010 - Purpose and Intent

- A. Purpose.** The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Comprehensive Plan, and to provide for a mixture of uses through comprehensive site planning. Specific plans recognize that one lot or a group of lots which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a single unit to ensure protection of valuable resources and to allow maximum flexibility in site planning.
- B. Intent.** This Section is intended to guide the preparation of Specific Plans in compliance with Government Code Sections 65450 et seq.

35.88.020 - Initiation

~~**A. Coastal Zone.** Within the Coastal Zone, a Specific Plan may only be initiated by:~~

- ~~1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.~~
- ~~2. Resolution of intention by the Board.~~
- ~~3. Resolution of intention by the Commission.~~
- ~~4. The Director.~~

~~**B. Inland area.** Within the Inland area, a **A** Specific Plan shall be initiated in compliance with Government Code Section 65450 et seq.~~

35.88.030 - Contents of Application

If initiated by a property owner or authorized agent, an application for a Specific Plan shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

35.88.040 - Processing of Specific Plans

- A. Departmental processing of application.** After receipt of the permit application, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- B. Referral to the Subdivision/Development Review Committee.** The Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Commission.
- C. Public hearing required.** The Commission shall hold at least one noticed public hearing on the Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- D. Transmittal of Commission's recommendation to the Board.**
1. The Commission's recommendation on the Specific Plan ~~and proposed Coastal Land Use Plan Amendment, if applicable,~~ shall be transmitted to the Board by resolution of the Commission carried by the affirmative votes of not less than a majority of its total voting members. A draft ordinance adopting the Specific Plan shall accompany the resolution.

2. The resolution shall be accompanied by a statement of the Commission's reasons for the recommendation.
- E. Board public hearing required.** The Board shall hold at least one noticed public hearing before adopting the proposed Specific Plan. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- F. Site development plan required.** A Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by an ordinance of the Board after consideration at a noticed public hearing following a recommendation by the Commission.
- G. Zoning consistency with Specific Plan required.** At the time of adoption of the Specific Plan, the Board shall determine whether the existing zoning on the subject property is consistent with the Specific Plan. If the Board finds that it is inconsistent, then either the County or the proponent of the Specific Plan shall initiate a Zoning Map Amendment to bring the zoning of the subject property into conformance with the Specific Plan.
- H. Referral of changes or additions to the Commission.** The Board shall not make any change or addition to any proposed Specific Plan recommended by the Commission until the proposed change or addition has been referred back to the Commission for a report and a copy of the report has been filed with the Board. Failure of the Commission to report back to the Board within 40 days after the referral, or a longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Commission to hold a public hearing on the proposed change or addition.
- ~~**I. For sites located within the Coastal Zone.** For those lots which require preparation of a Specific Plan in compliance with the Coastal Land Use Plan, a Specific Plan shall not be considered adopted until a site development plan, together with the required accompanying data, has been approved by the Board as an Amendment to the Local Coastal Program after consideration at public hearings and a recommendation by the Commission~~
- J. Final Development Plan required.** No permits shall be issued for construction, erection, or occupancy of any structure, nor for grading, nor for any use of land which requires a ~~Coastal Development Permit~~ or Land Use Permit or Zoning Clearance, as applicable, until a Final Development Plan, as required under the applicable zone, has been approved in compliance with [Section 35.82.080 \(Development Plans\)](#).
- K. Action by the Board.** The adoption of the Specific Plan shall be by ordinance in compliance with Government Code Section 65453.
- L. Amendments to Specific Plan.** Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan in compliance with this Section.

35.88.050 - Findings Required for Approval

A Specific Plan shall be adopted only if all of the following findings are first made:

- A. The Specific Plan is in conformance with and will implement all applicable Comprehensive Plan policies and incorporates any other conditions specifically applicable to the lots that are identified in the plan.
- B. The Specific Plan will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood.
- C. The Specific Plan will not adversely affect necessary community services (e.g., fire and police protection, sewage disposal, traffic circulation, water supply).

CHAPTER 35.89 - MOBILEHOME PARK CLOSURE

Sections:

- 35.89.010 - Purpose and Intent
- 35.89.020 - Applicability
- 35.89.030 - Conditional Use Permit Requirement
- 35.89.040 - Application Contents
- 35.89.050 - Special Notiec Requirements
- 35.89.060 - Informational Meeting
- 35.89.070 - Conditions of Approval
- 35.89.080 - Vacancy of a Mobilehome Park of Twenty-five Percent or More
- 35.89.090 - Request for Exemption from Relocation Assistance Requirements
- 35.89.100 - Additional Findings Required for Closure of a Mobilehome Park

35.89.010 - Purpose and Intent

This Chapter establishes standards for the closure of a mobilehome park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobilehome park. Mobilehome parks are an important source of affordable housing within Santa Barbara County. The purpose of this Chapter is to provide financial compensation and relocation assistance to displaced residents and provide mobilehome park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4.

35.89.020 - Applicability

This Chapter applies to applications for the closure of conforming and nonconforming mobilehome parks. Reasons for closure may include conversion to another land use and/or financial considerations on the part of the park owner.

35.89.030 - Conditional Use Permit Requirement

- A. A Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) shall be required in order for a mobilehome park closure to occur.
- B. The Commission shall be the review authority for the application for the Conditional Use Permit.

35.89.040 - Application Contents

An application for a Conditional Use Permit required in compliance with Section 35.89.030 (Conditional Use Permit Requirements), above, shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include all of the following, in addition to all information required in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

- A. **Closure Impact Report.** A Closure Impact Report shall be prepared and submitted in compliance with Government Code Sections 65863.7 and 66427.4. The Closure Impact Report shall be prepared by an independent agent acceptable to the County and, at a minimum, shall include the following information:
 1. The number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park.
 2. The number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes.
 3. An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the

mobilehome unit as described in Section 35.89.070 (Conditions of Approval) below.

4. For displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).
5. The names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
6. A list of comparable alternative housing and/or replacement housing within a 25 mile radius that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

35.89.050 - Special Notice Requirements

The following special notice requirements are in addition to any notice that may be required in compliance with Chapter 35.106 (Noticing and Public Hearings). The applicant shall verify, to the satisfaction of the Director, that a good faith effort has been made to ensure that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobilehome park closure shall be scheduled until the applicant has provided verification of the notification to the satisfaction of the Director.

- A. Notice of Intent.** A “Notice of Intent” by applicant to convert or close the mobilehome park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the Conditional Use Permit application to the County. After the “Notice of Intent” has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).
- B. Closure Impact Report.** A copy of the Closure Impact Report in compliance with Section 35.89.040 (Application Content) at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, in compliance with Government Code Sections 65863.7 and 66427.5.
- C. Written notice.** A written notice, in addition to the public hearing notice required in compliance with Chapter 35.106 (Noticing and Public Hearings), at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, informing residents that the applicant will be appearing before a local government board, commission, or body to request permits for a change of use of the mobilehome park, in compliance with Civil Code Section 798.56(g).
- D. Notice of termination of tenancy.** In compliance with Civil Code Section 798(g), the applicant shall provide all residents proposed to be displaced and the owners of all mobilehomes proposed to be displaced a written “notice of termination of tenancy” that provides the affected residents or owners a minimum of six months notice to vacate following the effective date of the Conditional Use Permit, as “Effective Date of Permits” is defined in Section 35.82.020 (Effective Date of Permits). The said notice shall be sent by certified mail to each resident and mobilehome owner within the 10 calendar days following the effective date of the Conditional Use Permit as specified in Section 35.82.020 (Effective Date of Permits).

35.89.060 - Informational Meeting

- A. The applicant shall conduct an informational meeting for the residents of the mobilehome park at least 10 days before the initial scheduled hearing on the application for the Conditional Use Permit regarding the proposed mobilehome park closure.
- B. The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and a County representative and the Relocation Counselor, as described in Subsection 35.89.070.B.1, shall be present.

- C. The meeting shall address the proposed mobilehome park closure, the closure application process, the contents of the Closure Impact Report, and proposed relocation assistance for displaced mobilehome owners and residents.
- D. All mobilehome park residents shall receive a written notice at least 10 days prior to the meeting. The notice shall specify the time, date, and location of the informational meeting and summarize the subject matter of the meeting which at a minimum shall address the requirements listed in Subsection C, above.

35.89.070 - Conditions of Approval

Approval of a Conditional Use Permit shall include reasonable conditions of approval in compliance with Government Code Section 65863.7, which shall not exceed the reasonable costs of relocation for displaced mobilehome park residents, and shall include, but not be limited to, the following measures:

A. Relocation or sale. In compliance with Government Code Sections 65863.7 and 66427.4, the County shall apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:

1. **Relocation assistance for mobilehome owners whose homes can be relocated.** The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.
 - a. The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, land use permit, ~~coastal development permit~~) and the reasonable housing expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.
 - b. The applicant shall provide displaced mobilehome owners that qualify as permanent residents with the payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.
2. **Relocation assistance for mobilehome owners whose homes cannot be relocated.** In cases in which it is not feasible to relocate the mobilehome to a comparable mobilehome park, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.
 - a. The applicant shall be required to buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome

relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition; and

- b. Each displaced mobilehome household will receive a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety Code Section 50052.5(h), to accommodate the displaced household and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy.
3. **Relocation assistance for non-mobilehome residents.** For permanent residents whose residential units do not meet the definition of a mobilehome, the applicant shall pay all costs related to moving the unit, fixtures, and accessories to a resident-approved receiving site within 25 miles of the existing location, as requested by the resident. The applicant shall provide payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent. The applicant shall also pay the reasonable living expenses of displaced residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except in cases in which the County determines that extenuating circumstances prolong the moving period. If the unit cannot be relocated, the applicant shall pay a sum equal to three months of the fair market rent for the area as determined by HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each such displaced household.
 4. **Relocation assistance for mobilehome renters.** The applicant shall pay a sum equal to three months of the fair market rent for the area as determined by HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each displaced renter household.
 5. Nothing contained herein precludes any mobilehome owner who is also a permanent resident of the park from selling his or her mobilehome to the applicant for an agreed upon price to be no less than the amount of relocation assistance described in Subsection 35.89.070.A. 1 in exchange for waiver of payment of those benefits described in Subsection 35.89.070.A. Nothing contained herein shall require any mobilehome owner to agree to sell his or her mobilehome to the applicant or to waive receipt of relocation benefits.
 6. Nothing contained herein precludes the applicant and displaced mobilehome park residents who are also permanent residents of the park from agreeing on other mutually satisfactory relocation assistance in lieu of the assistance required in Subsection 35.89.070.A of this ordinance.
- B. Relocation plan.** The Relocation Plan required in compliance with Subsection A, above, shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own the occupied mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or a third party, or to be relocated for the mobilehome owner(s). The plan shall provide the purchase value of all mobilehomes to be sold including fixtures and accessories. The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant

regarding relocation assistance or sales value shall be referred for non-binding arbitration to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what ~~he/she~~ the mobilehome park the resident will receive.

1. **Relocation Counselor.** Applicant shall offer to provide to all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property and belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact with the Department

35.89.080 - Vacancy of a Mobilehome Park of Twenty-five Percent or More

- A. Whenever 25 percent or more of the total number of mobilehome sites within a mobilehome park that are occupied as of April 12, 2012 are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park closure" for the purposes of this ordinance. The mobilehome park owner shall file an application for the mobilehome park closure, in compliance with the requirements of this Section. A mobilehome site is considered to be "uninhabited" when no rent is being paid for use of the site and for a period of 90 days or more it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.
- B. Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection A, above, such resident or person may file a written statement to that effect with the Director. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park closure is underway.
- C. If the Director determines that an unauthorized mobilehome park closure is underway, ~~he or she~~ the Director shall send a written notice by certified mail to the mobilehome park owner which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application in compliance with this Section for the closure of a mobilehome park.
- D. Once the Director has determined whether an unauthorized mobilehome park closure is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, the person(s) who filed the written statement in compliance with Subsection B, above, and to all the residents in the mobilehome park.

- E. The determination of the Director, in compliance with Subsection B, above, may be appealed by the person who filed the statement, by the mobilehome park owner, the mobilehome park manager, or by any other interested person within the 10 calendar days following the date of the notice of determination. All such appeals shall be submitted and processed in compliance with Chapter 35.102 (Appeals).

35.89.090 - Request for Exemption from Relocation Assistance Requirements

- A. Any person who files an application for a Conditional Use Permit for the closure of a mobilehome park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 35.89.070 (Conditions of Approval). The request for the exemption, as described in Subsection 35.89.090.B, shall be processed in conjunction with the application for the Conditional Use Permit, and shall be distributed to each resident household and mobilehome owner at the time of application submittal.
1. The applicant may request an exemption for one of the following reasons:
 - a. That the requirement(s) for relocation assistance would eliminate substantially all reasonable economic use of the property.
 - b. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.
 - c. That the relocation assistance required under Section 35.89.070 exceeds the reasonable costs of relocation for displaced mobilehome park residents, as proscribed by Government Code Section 65863.7(e)
- B. Any request for exemption submitted in compliance with Subsection 35.89.090.A.1 shall contain, at a minimum, the following information:
1. Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.
 2. **Report required.**
 - a. If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such in compliance with the laws of the State of California.
 - 1) The report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property.
 - 2) The report shall describe the minimum period of time in which such improvements or repairs can be accomplished along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property.

- 3) The report shall be referred to the California Department of Housing and Community Development for review and comment.
 - b. If the Director requires an analysis of the information submitted by the civil engineer or general contractor, the Director may procure the services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.
3. An estimate of the total cost of relocation assistance which would be required in compliance with Section 35.89.070 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, that document the number of residents of the park who are able to relocate their mobilehomes and those who would sell their mobilehomes, and the costs related to providing the relocation assistance measures delineated in Section 35.89.070 (Conditions of Approval).
4. If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, if the park were permitted to be developed for the change of use proposed in the application for closure of the park, and an estimate of the value of said park, if use of the property as a mobilehome park is continued, are required. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.
5. Any other information which the applicant believes to be pertinent, or that may be required by the Director.
6. Any request for exemption filed pursuant to Subsection 35.89.090.A.1.b., above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.
- C. When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.
- D. Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.
- E. The action of the Commission to approve, conditionally approve, or deny the request for exemption is final, subject to appeal in compliance with Section 35.102 (Appeals).

35.89.100 - Additional Findings Required for Closure of a Mobilehome Park

A Conditional Use Permit for a mobilehome park closure may be approved or conditionally approved only if the Commission first finds, in addition to the findings required in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) that adequate measures to address the adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park, as described in Section 35.89.070, above, have to the maximum extent feasible, but not exceeding the reasonable costs of relocation, been taken without substantially eliminating reasonable economic use of the property.

ARTICLE 35.9

Reserved

ARTICLE 35.10

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CHAPTER 35.100 - ADMINISTRATIVE RESPONSIBILITY

Sections:

- 35.100.010 - Purpose and Intent
- 35.100.020 - Planning Agency Defined
- 35.100.030 - Board
- 35.100.040 - Commission
- 35.100.050 - Zoning Administrator
- 35.100.060 - Director
- 35.100.070 - Boards of Architectural Review

35.100.010 - Purpose and Intent

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Commission, Director, Zoning Administrator, Board of Architectural Review, Department, and County staff in the administration of this Development Code.

35.100.020 - Planning Agency Defined

As provided by Article V of Chapter 2 of the County Code, pursuant to the provisions of Section 65100 of the California Government Code, the Planning Agency for the County is established as follows:

- A. The County Planning Commission, denoted as “Commission” within this Development Code, is designated to be the Planning Agency with the powers and duties as described in [Section 35.100.040 \(Commission\)](#):
1. ~~For the unincorporated portions of the County located outside of the Montecito Community Plan area.~~
2. ~~For unincorporated portions of the County located within the Montecito Community Plan area for Amendments to the Local Coastal Program that may affect property located both within and outside of the Montecito Community Plan area.~~

35.100.030 - Board

The Board of Supervisors denoted as “Board” within this Development Code shall perform the duties and functions prescribed in this Development Code, which include the following:

- A. **Review authority on specified planning matters.** Final decisions on Comprehensive Plan Amendments, Development Agreements, Development Code Amendments, Specific Plans and Amendments, Zoning Map Amendments, environmental documents associated with the preceding project types and other applicable policy or ordinance matters related to the County’s planning process; and
- B. **Appeals.** The review of appeals filed from Commission decisions.

The above listed functions shall be performed in compliance with [Section 35.80.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 8-1 (Review Authority), and the California Environmental Quality Act.

35.100.040 - Commission

- A. **Appointment.** The Commission shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. **Duties and authority.** The Commission shall perform the duties and functions prescribed by State law and this Development Code, including the following:
 1. The review and approval, conditional approval or denial of development projects under the

jurisdiction of the Commission as described in Table 8-1 (Review Authority); and

2. The making of recommendations to the Board for final decisions on Comprehensive Plan Amendments, ~~Local Coastal Program Amendments~~, Development Agreements, Development Code Amendments, Specific Plans and Amendments, Zoning Map Amendments, environmental documents associated with the preceding project types, and other applicable policy or ordinance matters related to the County's planning process.

The above listed functions shall be performed in compliance with [Section 35.80.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 8-1 (Review Authority), and the California Environmental Quality Act.

35.100.050 - Zoning Administrator

- A. **Appointment.** The Zoning Administrator shall be appointed in compliance with Article V of Chapter 2 of the County Code.
- B. **Duties and authority.** The Zoning Administrator shall perform the duties and functions prescribed in this Development Code, including the review of development projects, in compliance with [Section 35.80.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 8-1 (Review Authority), and the California Environmental Quality Act; and

35.100.060 - Director

- A. **Appointment.** The Director shall be appointed by the County ~~Board of Supervisors~~ Chief Executive Officer.
- B. **Duties and authority.** The Director shall:
 1. Have the responsibility to perform all of the functions designated by State law;
 2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with [Section 35.80.020 \(Authority for Land Use and Zoning Decisions\)](#), Table 8-1 (Review Authority), State law (Government Code Section 65901 et seq.) and the California Environmental Quality Act;
 3. Perform other responsibilities assigned by the Board and the Commission;
 4. Appoint the Zoning Administrator; and
 5. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- C. **Responsibility of the Director.** Wherever this Development Code makes reference to "staff" it is expressly understood that the staff is acting under the direction and control of the Director and that they report directly to the Director rather than the Commission or the Board.

35.100.070 - Boards of Architectural Review

- A. **Appointment.** The Boards of Architectural Review shall be constituted in compliance with Article V of Chapter 2 of the County Code.
- B. **Duties and authority.** The Boards of Architectural Review shall review all applicable project proposals in compliance with [Section 35.82.070 \(Design Review\)](#) and shall report their findings to the applicable review authority specified in Table 8-1 (Review Authority).

CHAPTER 35.101 - NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 35.101.010 - Purpose and Intent
- 35.101.020 - Nonconforming Uses of Land and Structures
- 35.101.030 - Nonconforming Structures
- 35.101.040 - Construction in Progress
- 35.101.050 - Termination of Nonconforming Uses
- 35.101.060 - Unpermitted Expansion of Nonconforming Uses
- 35.101.070 - Termination Procedures
- 35.101.080 - Nonconforming Due to Lack of a Discretionary Permit

35.101.010 - Purpose and Intent

- A. Purpose.** This Chapter establishes uniform provisions for the regulation of nonconforming lots, structures, and uses of land and structures that were lawful before the adoption, amendment, or revision of this Development Code, or previously adopted County ordinances, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code or future amendments.
- B. Intent.**
1. It is the intent of this Development Code, with limited specified exceptions, to:
 - a. Discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions outlined in this Chapter.
 - b. Prevent nonconforming uses and structures from being enlarged, expanded, or extended, or being used as grounds for adding other structures or uses prohibited by the zone in which the nonconformity is located.
 2. Generally, this Chapter is intended to be administered in a manner which encourages the eventual abatement of these nonconformities.

35.101.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. **Allowed enlargements, extensions, moving, reconstruction, or structural alterations.** Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.
 - a. **Seismic retrofits allowed.** Seismic retrofits as defined in [Article 35.11 \(Glossary\)](#) in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#), may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **Rehabilitation of dwellings.** Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.
 - c. ~~Rehabilitation of dwellings threatened due to coastal erosion.~~ Existing structures devoted

~~to a nonconforming residential use that are threatened due to coastal erosion may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided all of the following criteria are met:~~

- ~~(1) The structure is located on property zoned either SR M or SR H.~~
- ~~(2) Any alteration complies with the setback and height requirements of the applicable zone.~~
- ~~(3) Any alteration does not result in the removal of required parking spaces.~~
- ~~(4) Any alteration does not result in an increase in the number of bedrooms within the dwelling, unless the increase is in compliance with the bedroom density standards of the applicable zone.~~

dc. Normal maintenance and repair. Normal maintenance and repair may occur provided no structural alterations are made.

ed. Historical landmarks. A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

2. **Accessory to a conforming use.** No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

- a. **Damage 75 percent or more.** If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations

of the zone in which it is located, unless allowed to continue by the Zoning Administrator, in compliance with [Section 35.82.100 \(Hardship Determinations\)](#).

b. Damage less than 75 percent.

- (1) Except as provided below in Subsection E.1.b.(2), If the damage caused by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure or other developments may be restored to the same or lesser size and in the same general footprint location.
- (2) **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) of the lot on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, then:
 - (a) The restored or replaced structure may be relocated on the lot as necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (b) Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.
- (3) The nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

2. Residential uses.

- a. Except in industrial zones, and as provided in Subsection E.2.b, below, structures dedicated to nonconforming residential dwelling uses (e.g., one-family, two-family, and multi-family units, and second residential units), that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs, may be reconstructed to the same or lesser size and in the same general footprint location.
- b. **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the structure is damaged or destroyed by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
 - (1) The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (2) Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or

damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.

- c. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms). If the structure dedicated to a nonconforming residential dwelling use is located in an industrial zone, the damage standards of Subsection E. 1 (Non-residential uses) above, shall apply.

3. Reconstruction shall commence within 24 months. The restoration of a nonconforming use allowed in compliance with Subsection E.1 (Non-residential uses) and Subsection E.2 (Residential uses) above, shall commence within 24 months of the time of damage and be diligently carried out to completion.

- a. The 24-month time limit may be extended by the Director for a maximum of 12 months for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month period.
- b. If the restoration of the nonconforming use does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

4. Applicability of permit requirements.

a. Exempt from the Development Code permit requirements.

- (1) Except as provided in Subsection E.4.a(2), below, the restoration or reconstruction of a structure or other development dedicated to a nonconforming use that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs shall be exempt from the permit requirements of this Development Code only if the structure or other development complies with the provisions of this Chapter and if the structure or other development conforms to the specifications documented to exist before the damage or destruction, as determined by the Director.
- (2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation or change in the finished floor elevation to be necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.
- (3) Full compliance with applicable Building Code provisions is still required.

- b. **Design Review required.** Except as provided in Subsection E.4.b(1), below, if the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, then the replaced or restored structure shall be subject to the provisions of [Section 35.82.070 \(Design Review\)](#), if otherwise subject to review (e.g., the site is subject to [Section 35.28.080 \(Design Review \(D\) Overlay Zone\)](#), the project is subject to [Section 35.62.040 \(Ridgeline and Hillside Development Standards\)](#)) in compliance with this Development Code.

- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.

c. Subject to Development Code permit requirements. Except as allowed herein, if the structure or other development is proposed to be altered from the original specifications, as determined by the Director, then the reconstruction or restoration shall be subject to all applicable permit requirements of this Development Code.

d. Sites within the Toro Canyon Plan Area. The following shall apply to nonconforming uses located within the Toro Canyon Plan Area.

- (1) The replacement or re-establishment of nonconforming uses are subject to the regulations of the Toro Canyon Plan and this Development Code only to the extent that some type of permit may be required by this Development Code. Any permit may be approved only in compliance with the regulations of the Toro Canyon Plan and this Development Code.
- (2) Nonconforming uses located within nonconforming structures located on a bluff top or on the beach may not be increased or expanded into additional locations or structures.

F. Limited exceptions for certain nonconforming residential uses. Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered, subject to the following criteria:

1. The site is within a zone which allows residential use as an allowed use requiring only a ~~Coastal Development Permit~~ or a Land Use Permit.
2. On any lot, only one existing structure devoted to a nonconforming residential use may be enlarged, extended, moved, reconstructed, and/or structurally altered.
3. No enlargements shall result in a structure devoted to a nonconforming residential use that exceeds 1,200 square feet of gross floor area and no enlargements shall be allowed to any structure which has a current legal nonconforming residential gross floor area of 1,200 square feet or more.
4. No enlargement, extension, reconstruction, relocation, or structural alteration shall exceed the height of, or protrude higher than, the highest point of, the existing structure.
5. The structure shall comply with all applicable building, electrical, fire, mechanical, and plumbing codes, and shall not compromise the adequate performance of any existing water system or liquid waste disposal (e.g., septic) system, as determined to the satisfaction of the County Public Health Department.
6. Any enlargement, extension, reconstruction, relocation, or structural alteration shall comply with all height, lot coverage, parking, setback, and other requirements of the zone in which the structure is located.

G. Limited exception determinations for certain nonconforming industrial uses.

1. **Process and findings required.** Improvements comprising minor enlargements, expansions, extensions, or structural alterations of a structure dedicated to an industrial, public works, or energy-related nonconforming use may be allowed, subject to the following process and findings.
2. **Requirement for limited exception determination.** The review authority shall approve a Limited

Exception Determination in compliance with [Section 35.82.120 \(Limited Exception Determinations\)](#) before the approval of any permit in compliance with ~~Section 35.82.050 (Coastal Development Permits)~~ or [Section 35.82.110 \(Land Use Permits\)](#) to allow minor enlargements, expansions, extensions, or structural alterations.

- a. Where a discretionary permit has not been previously approved for the existing nonconforming industrial use, appropriate non-discretionary permits may be issued after a Limited Exception Determination has been approved in compliance with [Section 35.82.120 \(Limited Exception Determinations\)](#)
- b. Where a discretionary permit has previously been approved, changes to that permit may be made in compliance with this Development Code and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been approved in compliance with [Section 35.82.120 \(Limited Exception Determinations\)](#).

H. Parking. If a use is nonconforming solely with respect to existing parking standards, the structure devoted to the use may be altered but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces in compliance with [Chapter 35.36 \(Parking and Loading Standards\)](#) unless:

1. The use is brought into compliance with the requirements of [Chapter 35.36 \(Parking and Loading Standards\)](#); or
2. A modification to the parking requirements has been approved.

35.101.030 - Nonconforming Structures

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

A. Structural change, expansion, or extension.

1. Enlargements or extensions allowed in limited circumstances.

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.

b. Allowed structural alterations.

- (1) **Seismic retrofits allowed.** Seismic retrofits as defined in [Article 35.11 \(Glossary\)](#) and in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
- (2) **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
- (3) **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.
- (4) **Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or

historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

- c. **Permit required.** The issuance of a Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) is required prior to the commencement of any structural alteration allowed in compliance with Subsections A.1.a or A.1.b, above, unless the alteration is determined to be exempt in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
2. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.
 3. **Loss of nonconforming status.**
 - a. A nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection A.1, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Development Code.
 - b. If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).
- B. Damage.** This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.
1. **One-family dwellings.** Nonconforming one-family dwellings that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size in the same general footprint location except that if a nonconforming structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.), then:
 - a. The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - b. Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.
 2. **Structures other than one-family dwellings.**
 - a. **Damage 75 percent or more.**

- (1) Except as provided below in Subsection B.2.a.(3), if a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the structure may not be reconstructed unless allowed by the Zoning Administrator, in compliance with [Section 35.82.100 \(Hardship Determinations\)](#).
 - (2) If the damaged nonconforming structure is accessory to a primary structure and there is substantial question regarding the extent of damage, as determined by the Director, the Zoning Administrator shall first find, in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#) that the structure is nonconforming and shall determine the extent of damage.
 - (3) **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If a nonconforming structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
 - (a) The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (b) Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.
- b. Damage less than 75 percent.**
- (1) Except as provided below in Subsection B.2.b.(2), where a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure may be reconstructed to the same or lesser size in the same general footprint location.
 - (2) **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If a nonconforming structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
 - (a) The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - (b) Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However,

the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.

- (3) If the damaged nonconforming structure is accessory to a primary structure, notice of the potential reconstruction shall be given in compliance with [Section 35.106.020 \(Notice of Public Hearing and Review Authority Action\)](#). If a request for public hearing is received by the Department within the applicable period of time, then the reconstruction of the accessory structure shall not commence unless the Zoning Administrator first finds, in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#) that the structure is nonconforming and that the extent of damage is less than 75 percent.

3 Sites within the Carpinteria Agricultural overlay zone. Notwithstanding the above, a nonconforming greenhouse, packing and shipping facility, shade and hoop structure, or greenhouse-related structure in the Carpinteria Agricultural overlay zone that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, shall only be reconstructed in compliance with [Section 35.28.070 \(Carpinteria Agricultural \(CA\) Overlay Zone\)](#) thereby becoming a conforming structure.

4. Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area. Notwithstanding the above, the following standards apply to nonconforming structures on lots located within the Mission Canyon Community Plan area or the Toro Canyon Area Plan area. In case of a conflict, the standards of this Subsection B.5 shall take precedence.

a. The following shall apply to the repair or reconstruction of nonconforming structures ~~located outside of the Coastal Zone.~~

(1) Residential structures.

- (a) A residential structure that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location except that if a nonconforming structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then the restored or replaced structure may be relocated on the lot if the Director, in consultation with the Flood Control District, determines the relocation and/or change in the finished floor elevation to be necessary in order to comply with applicable setbacks from top-of-bank and to reduce flood hazards, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.
- (b) A residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location.
- (c) A residential structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan, and in a manner that otherwise complies with

the regulations of the applicable Plan and this Development Code.

- (d) For the purpose of this Subsection, “residential structure” shall mean primary dwellings, secondary dwellings including accessory dwelling units, agricultural employee dwellings, farmworker dwelling units, farmworker housing complexes, guesthouses, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of “residential structure” in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#).

(2) Non-residential agricultural support structures.

- (a) A nonconforming agricultural support structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location except that if a nonconforming agricultural support structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
 - 1. The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 - 2. Notwithstanding the height measurement methodology contained in Section 35.30.090.C, the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.
- (b) An agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan which require partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location.
- (c) Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat areas or Environmentally Sensitive Habitat buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the applicable Plan and this Development Code.
- (d) For the purpose of this Subsection, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property.

(3) Non-residential structures, not including agricultural support structures.

- (a) A nonconforming non-residential structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may be reconstructed to the same or lesser size on the same site and in the same general footprint location, provided that the reconstruction complies with the regulations of the applicable Plan and this Development Code to the maximum extent feasible, and if allowed by the review authority in compliance with [Section 35.82.100 \(Hardship Determinations\)](#). If a nonconforming non-residential structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:
1. The restored or replaced structure may be relocated on the lot if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
 2. Notwithstanding the height measurement methodology contained in [Section 35.30.090.C](#), the height of the structure may exceed the height of the destroyed or damaged structure if necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure.
- (b) A nonconforming non-residential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that the repair or reconstruction conforms with the regulations of the applicable Plan and this Development Code to the maximum extent feasible and if allowed by the review authority in compliance with [Section 35.82.100 \(Hardship Determinations\)](#).
- (c) A structure that is nonconforming solely due to its location within a front, rear, or side setback area, due to any increase in the setback area that resulted from a change of zone adopted with the applicable Plan may be enlarged or expanded in a manner that does not further encroach into any setback area and otherwise complies with the regulations of the applicable Plan and this Development Code.

5. Reconstruction shall commence within 24 months.

- a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure shall commence within 24 months of the time of damage and be diligently carried out to completion.
- b. Within the applicable Plan area, reconstruction or structural repair required due to normal wear and tear (e.g., structural pest damage or dry rot) as allowed above shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried out to completion.

- c. The 24-month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month time period.
- d. If the reconstruction or restoration of the structure does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.
 - (1) Within the Mission Canyon Community Plan area, where the reconstruction or structural repair of a non-historic structure allowed above does not commence within the specified 24 months or the extended time period that may be granted by the Director, the structure shall not be reconstructed or repaired except in full compliance with the regulations of the Mission Canyon Community Plan.
 - (2) Within the Toro Canyon Plan Area, where the reconstruction or structural repair allowed above does not commence within the specified 24 months or the extended time period that may be granted by the Director, the structure shall not be reconstructed or repaired except in full compliance with the regulations of the Toro Canyon Plan.

6. Applicability of permit requirements.

a. Exempt from Development Code permit requirements.

- (1) Except as provided in Subsection B.5.a.(1), below, the restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director.
- (2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation or change in the finished floor elevation to be necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.
- (3) Full compliance with applicable Building Code provisions is still required.

b. Design Review required. Except as provided in Subsection B.5.b.1, below, if the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of [Section 35.82.070 \(Design Review\)](#) if otherwise subject to review (e.g., the site is subject to [Section 35.28.080 \(Design Review \(D\) Overlay Zone\)](#), the project is subject to [Section 35.62.040 \(Ridgeline and Hillside Development Standards\)](#)) in compliance with this Development Code.

- (1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on or affecting the lot on which the replaced or restored structure would be located, the restored or replaced structure, even if relocated on the lot or increased in height, shall not require Design Review unless the exterior design or specifications of the replaced or restored structure are substantially different from the prior structure(s), as determined by the Director. If the structure is otherwise exempt from requiring a planning permit but requires Design Review, the structure shall receive preliminary and final design review approval before an exemption is issued.

- c. **Subject to Development Code permit requirements.** Except as allowed herein, if the structure is proposed to be altered from the original specifications, as determined by the Director, then the restoration shall be subject to all applicable permit requirements of this Development Code.

35.101.040 - Construction in Progress

- A. **Chapter shall not require changes.** To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun before the effective date of adoption or any amendment of this Development Code rendering the structure or its use nonconforming and upon which actual construction has been carried on diligently.
- B. **Construction defined.** Actual construction is defined to mean the placing of construction materials in permanent position and fastened in a permanent manner.

35.101.050 - Termination of Nonconforming Uses

In addition to the provisions for termination of certain nonconforming uses contained elsewhere in this Chapter, any nonconforming use or uses of either land or structures or both may be ordered terminated by the Board, after a public hearing, as provided in [Section 35.101.070 \(Termination Procedures\)](#), below, if one or more of the three following conditions is found to apply to any nonconforming use.

- A. **Improvements can be used only for those uses allowed in the zone.** The condition of the improvements, if any, on the property exist in a manner that to require the property to be used only for those uses allowed in the zone where it is located would not impair the constitutional rights of any person;
- B. **Improvements can be altered to be used with those uses allowed in the zone.** The nature of the improvements exist in a manner that they can be altered so as to be used in conformity with the uses allowed in the zone in which the property is located without impairing the constitutional rights of any person; or
- C. **Use is detrimental or a public nuisance.** Except in the case of a dedicated cemetery, the nonconforming use is detrimental to the public health or safety or is a public nuisance.

35.101.060 - Unpermitted Expansion of Nonconforming Uses

After a public hearing, as provided in [Section 35.101.070 \(Termination Procedures\)](#), below, any expansion of or change in a nonconforming use of structures or land, or both, not expressly allowed under and strictly in compliance with the provisions of this Development Code, and especially this Chapter, nor required by law, may be ordered terminated by the Board.

35.101.070 - Termination Procedures

- A. **Procedures for termination of nonconforming uses.** All nonconforming uses to be terminated under the provisions of this Chapter may be ordered terminated by the Board in compliance with the following procedures.
1. Upon recommendation of the Commission, or upon petition by a person affected by a nonconforming use of structures or land or both, or on its own initiative, the Board may set a date for, and call for a public hearing to determine whether or not a nonconforming use of land or structures, or both, or an unpermitted expansion of or change in the use, should be ordered terminated.
 2. Fifteen days notice of the hearing shall be given by publication once in a newspaper of general circulation within the County or in the area where the affected property is located, and by service upon the owner of the land and upon the person operating or maintaining the nonconforming use, if

not the owner.

3. Service of the notice shall be either personal or by mail addressed to the last known address of the person to be served.
4. The notice shall specify the date, time, and place of the hearing and shall specify the grounds on which the nonconforming use or changes or expansion of the use is sought to be terminated.

B. Hearing procedures.

1. All hearings held in compliance with this Section by the Board shall be open to the general public, be presided over by the Chairperson, vice-chairperson, or acting chairperson of the Board, and the proceedings shall be recorded by an electronic recording device.
2. The owner, the party maintaining the nonconforming use, the Board, and all other interested persons may be represented by attorneys of their own choosing, may submit written and oral evidence; provided, oral evidence shall be taken only on oath or affirmation, may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the witness.
3. If the person maintaining the nonconforming use does not testify in their own behalf they may be called and examined as if under cross-examination.

C. Rules of evidence. The hearing need not be conducted in compliance with technical rules relating to evidence and witnesses.

1. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions in courts.
2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts.
3. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

D. Board's action on the termination, change, or expansion of use.

1. The Board shall render its decision in writing, containing findings of fact, within 30 days after the date on which the public hearing was completed and closed.
2. It shall deliver copies by mail or personally to the parties concerned in the hearing.
3. Failure to render the decision within 30 days, or any extension thereof stipulated to by the parties, shall be deemed to permit the continuance of the nonconforming use or the change or expansion thereof, which was the subject of the hearing.
4. The decision shall, if it ordered the nonconforming use, or change or expansion thereof terminated, specify the time within which the person maintaining the nonconforming use or change or expansion thereof, shall terminate, as the Board deems reasonable and proper under the circumstances.

E. Hearings may be continued. The hearings may be continued from time to time by the Board.

F. Judicial review. Judicial review of any order of the Board made in compliance with this Section may be had by filing a petition for a writ of mandate in compliance with the provisions of the California Code of Civil Procedure.

- G. Failure to comply with order of termination.** Any non-compliance with an order of termination of the Board made in compliance with this Section, as well as any continuance of any nonconforming use beyond the expressed period of time identified in this Section shall be deemed a violation of the terms of this Development Code.

35.101.080 - Nonconforming Due to Lack of a Discretionary Permit

- A. Conformity of uses requiring a discretionary permit.** A use lawfully existing without the approval of a discretionary permit that would be required by this Development Code, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation).
- B. Previous permits in effect.** A use that was authorized by a discretionary permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the discretionary permit.

CHAPTER 35.102 - APPEALS

Sections:

- 35.102.010 - Purpose and Intent
- 35.102.020 - General Appeal Procedures
- 35.102.030 - Appeals to the Zoning Administrator
- 35.102.040 - Appeals to the Commission
- 35.102.050 - Appeals to the Board
- 35.102.060 - Reserved

35.102.010 - Purpose and Intent

The purpose of this Chapter is to provide procedures for accepting and processing appeals to the Board, Commission, and the Zoning Administrator ~~and to list the criteria for those developments that may be appealed to the Coastal Commission.~~

35.102.020 - General Appeal Procedures

- A. Who may appeal.** An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.
- B. Timing and form of appeal.**
- 1. Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator.**
 - a. Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Commission, or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as follows or as otherwise provided in this Development Code:
 - (1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35.56.070 \(Decision on Application to Defer Abandonment\)](#).
 - (2) Except as otherwise provided in this Development Code.
 - b. Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.
 - 2. Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the day following the day on which the decision or determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.
- C. Requirements for contents of an appeal.**
- 1. General requirements.** The appellant shall specifically provide in the appeal all of the following:
 - a. The identity of the appellant and their interest in the decision;

- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of this Development Code or other applicable law;
- d. If it is claimed that there was an error or abuse of discretion on the part of the review authority, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.
- e. ~~An appeal of the denial of a Coastal Development Permit for property within the Coastal Zone of the Toro Canyon Planning area shall be submitted with an application for an Economically Viable Use Determination if it is claimed by the appellant that the denial of the Coastal Development Permits constitutes a taking of private property. The Economically Viable Use Determination application shall be in compliance with Subsection 2.d (Economically Viable Use Determination applications) below, and shall provide information supporting the assertion that denial of the Coastal Development Permit would constitute a taking of private property.~~

- 2. Additional requirements for certain appeals.** The following information is required to be submitted for the appeals listed below in addition to the information required to be submitted by Subsection C.1 (General requirements) above:
- a. Appeals regarding a previously approved discretionary permit.** If the approval of a ~~Coastal Development Permit or a~~ Land Use Permit required by a previously approved discretionary permit is appealed, the appellant shall identify:
 - (1) How the ~~Coastal Development Permit or~~ Land Use Permit is inconsistent with the previously approved discretionary permit;
 - (2) How the discretionary permit's conditions of approval that are required to be completed before the approval of a ~~Coastal Development Permit or~~ Land Use Permit have not been completed; or
 - (3) How the approval is inconsistent with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
 - b. Appeals of final decision of the Board of Architectural Review.** A decision of the Board of Architectural Review to grant final approval may not be appealed to the Commission unless the appellant can demonstrate that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval. If the Director determines that the appeal does not raise a substantial issue that the project for which final approval was granted does not substantially conform to the project that was granted preliminary approval, then the Director shall make that determination in writing, and the appeal shall not be processed. This decision of the Director is final and not subject to appeal.
 - c. Economically Viable Use Determination applications.** An application for an Economically Viable Use Determination shall include the entirety of all lots that are geographically contiguous and held by the appellant in common ownership at the time of the application and the following information as deemed necessary by the Department shall be submitted:
 - (1) The date the appellant purchased or acquired the lot, and from whom.
 - (2) The purchase price paid by the appellant.
 - (3) The fair market value of the lot at the time the appellant acquired it, including

information on the basis in which the fair market value was derived, including any appraisals done at the time.

- (4) The Comprehensive Plan and land use designation applicable to the lot at the time the appellant acquired it, and any subsequent changes to these designations.
- (5) Any development or use restrictions, other than the restrictions described in Subsection (4) above, applicable to the property at the time it was acquired or which have been subsequently imposed.
- (6) The date and method of any subsequent changes in the size or configuration of the lot, if applicable.
- (7) Information (e.g., sale, lease or rent prices and associated dates) regarding any subsequent sale or lease of a portion or interest in the lot, if applicable.
- (8) Any title reports, litigation guarantees or similar documents in connection with all or a portion of the lot of which the appellant is aware.
- (9) Any offers to buy all or a portion of the lot which the appellant solicited or received, including the approximate date of the offer and offered price.
- (10) The appellant's costs associated with the ownership of the lot, annualized for each of the last five calendar years including, property taxes, property assessments, debt service costs (such as mortgage and interest costs), operation, and management costs.
- (11) Any income excluding any rents received from the leasing of all or a portion of the lot over the last five calendar years, listed on an annualized basis along with a description of the uses generating the income.
- (12) Any additional information that the Department deems necessary to make the determination.

D. Acceptance of appeal. An appeal shall not be accepted by the Director unless it is complete and complies with all requirements of Subsection C. (Requirements for contents of appeal) above. This decision of the Director is final and not subject to appeal.

E. Appeal fees. The appellant shall pay the required filing fee in compliance with the Board's Fee Resolution, at the time of the filing of the appeal.

~~1. **No fee for developments appealable to the Coastal Commission.** An appeal fee is not required for developments which are appealable to the Coastal Commission in compliance with Subsection 35.102.060.D. (Decisions appealed to the Coastal Commission).~~

F. Effect of filing an appeal. The filing of the appeal shall have the effect of staying the issuance of any permit or approval provided for by the terms of this Development Code until a final action has occurred on the appeal, or unless otherwise indicated in this Development Code.

G. Public hearing required. The review authority shall consider all appeals in a noticed public hearing. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#). Notice shall be mailed to the appellant and the applicant, if different than the appellant.

H. Special processing requirements. The following requirements apply to applications for ~~Coastal Development Permits~~, Land Use Permits, and Zoning Clearances that also require review by the Board of Architectural Review:

1. Projects requiring ~~Coastal Development Permits or Land Use Permits.~~

- a. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the ~~Coastal Development Permit or Land Use Permit~~, but before the issuance of the ~~Coastal Development Permit or Land Use Permit~~ for the

project.

- b. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the ~~Coastal Development Permit or Land Use Permit~~ is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the ~~Coastal Development Permit or Land Use Permit~~.
- c. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Board of Architectural Review before any decision on the ~~Coastal Development Permit or Land Use Permit~~.

2. Projects requiring Zoning Clearances.

- a. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held before the issuance of the Zoning Clearance for the project.
- b. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, a hearing shall be held on the appeal of the decision of the Board of Architectural Review before the decision on the Zoning Clearance.

35.102.030 - Appeals to the Zoning Administrator

- A. **Decisions appealed to the Zoning Administrator.** The following decisions of the Director may be appealed to the Zoning Administrator:
 1. Any decision by the Director to approve, conditionally approve, or deny an application for a Land Use Permit for a temporary use in compliance with [Section 35.42.260 \(Temporary Uses and Trailers\)](#) may be appealed to the Zoning Administrator.
- B. **Hearing Required.** The Zoning Administrator shall hold a hearing on the appeal no later than 12 hours prior to the time the event is scheduled to commence.
- C. **Notice required.** Notice of the date, time and location of the hearing shall be provided to the applicant, the appellant, if different than the applicant and any interested person who has filed a written request for notice with the Department.
- D. **Action on appeal.** The Zoning Administrator shall affirm, reverse, or modify the decision of the Director as soon as practicable following the filing of the appeal and in no case later than the time the temporary use is scheduled to commence. The action of the Zoning Administrator is final and not subject to appeal.

35.102.040 - Appeals to the Commission

- A. **Decisions appealed to the Commission.** The following decisions may be appealed to the Commission provided the appeal complies with the requirements of Subsections [35.102.020.C](#) through Subsection [35.102.020.E](#) above.
 1. **Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section [35.102.020.C.2.c](#) (Appeals of final decisions of the Board of Architectural Review).
 2. **Building Official decisions.** The following decisions of the Building Official may be appealed to the Commission.
 - a. The decision of the Building Official to require an applicant for a solar energy system to apply for a Solar Use Permit. The grounds for an appeal of a decision to require a Solar Use Permit are restricted to a demonstration that the solar energy system would not have a

specific, adverse impact upon the public health and safety.

- b. Any decision of the Building Official to approve, conditionally approved, or deny an application for a Solar Use Permit.

3. Director decisions. The following decisions of the Director may be appealed to the Commission:

- a. Any determination on the meaning or applicability of the provisions of this Development Code.
- b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
- c. Any decision of the Director to revoke an approved or issued Land Use Permit.
- d. Any decision of the Director to approve or deny an application for a Land Use Permit except as follows:
 - (1) Land Use Permits approved in compliance with [Section 35.42.260 \(Temporary Uses and Trailers\)](#) not including Subsection 35.42.260.G (Trailer Use).
- e. Any decision of the Director to revoke an issued Zoning Clearance.
- f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
- h. Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.
- i. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

4. Zoning Administrator decisions. The following decisions of the Zoning Administrator may be appealed to the Commission:

- a. Any decision of the Zoning Administrator to approve, conditionally approve, or deny an application for a ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Lot Line Adjustment, Modification, Overall Sign Plan, Sign Modification, Variance, or other discretionary application where the Zoning Administrator is the applicable review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.
- b. Any other action, decision, or determination made by the Zoning Administrator as authorized by this Development Code where the Zoning Administrator is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Commission. The Department shall transmit to the Commission copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Board of Architectural Review, Building Official, Director, or Zoning Administrator before the hearing on an appeal.

C. Scope of appeal hearings. The hearings on the appeal shall be de novo.

D. Action on appeal. The Commission shall affirm, reverse, or modify the decision of the Board of Architectural Review, Building Official, Director, or Zoning Administrator.

- 1. Decision on the appeal of Solar Use Permits.** The action of the Commission, and the action of any subsequent County review authority, shall not have the effect of denying the application to install

the solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- a. Any conditions imposed by the Commission on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

~~**E. Additional findings required for Economically Viable Use Determinations.** A decision by the Director to deny a Coastal Development Permit for a lot within the Coastal Zone of the Toro Canyon Planning Area that has been appealed by the appellant, where the appellant asserts that the denial of the Coastal Development Permit constitutes a taking of private property, shall be reversed or modified by the Commission only if all of the following findings are first made in addition to the findings contained within Section 35.82.050 (Coastal Development Permits):~~

- ~~1. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.~~
- ~~2. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.~~
- ~~3. The use proposed by the applicant is consistent with the applicable zoning.~~
- ~~4. The use and project design, siting, and size are the minimum necessary to avoid a taking.~~
- ~~5. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.~~
- ~~6. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.~~

35.102.050 - Appeals to the Board

A. Decisions appealed to the Board. The following decisions of the Commission may be appealed to the Board provided the appeal complies with the requirements of Subsection 35.102.020.C through Subsection 35.102.020.E. above.

1. Any final action on decisions that are appealed to the Commission in compliance with [Section 35.102.040 \(Appeals to the Commission\)](#) above.
2. Any final action on decisions of the Commission to approve, conditionally approve, or deny an application for a Conditional Use Permit, Development Plan, Lot Line Adjustment, Tentative Map, Variance, or other discretionary application where the Commission is the designated review authority.
3. Any other action, decision, or determination made by the Commission as authorized by this Development Code where the Commission is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

B. Report to the Board. The Department shall transmit to the Board copies of the permit application including all maps and data and a statement identifying the reasons for the decision by the Commission before the hearing on an appeal.

C. Scope of appeal hearings. The hearings on the appeal shall be de novo.

D. Action on appeal. The Board shall affirm, reverse, or modify the decision of the Commission. The decision of the Board shall be final.

35.102.060 - Reserved

CHAPTER 35.104 - AMENDMENTS

Sections:

- 35.104.010 - Purpose and Intent
- 35.104.020 - Applicability
- 35.104.030 - Initiation of Amendments
- 35.104.040 - Processing of Amendments
- 35.104.050 - Action on Amendments
- 35.104.060 - Findings Required for Approval of Amendments
- 35.104.070 - Effective Dates
- 35.104.080 - Rezoning Requirements for Specific Zones

35.104.010 - Purpose and Intent

The purpose and intent of this Chapter is to provide procedures consistent with Government Code Section 65000 *et seq.* for:

- A. Amending the text and/or maps of the Comprehensive Plan.
- B. Amending the text of this Development Code as the County may deem reasonable, necessary, or desirable.
- C. Amending the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development.

35.104.020 - Applicability

- A. **Comprehensive Plan.** An amendment to the Comprehensive Plan may include revisions to the text and/or maps of the Comprehensive Plan.
- B. **Development Code.** An amendment to this Development Code may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development that is located outside the Montecito Community Plan area and the Coastal Zone.
- C. **Zoning Map.** An Amendment to the County Zoning Map not including those portions that lie within the Montecito Community Plan area or within the Coastal Zone has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.
- D. **Compliance with Chapter.** All applications for Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

35.104.030 - Initiation of Amendments

An Amendment may only be initiated in the following manner:

- A. **Board.** By the Board, which may include the approval of a resolution of intention by the Board;
- B. **Commission.** By the Commission, which may include the approval of a resolution of intention by the Commission;
- C. **Director.** By the Director; or
- D. **Applicant.** By an application by an authorized applicant as follows:
 1. **Comprehensive Plan Amendment.** An application to amend the text and/or maps of the Comprehensive Plan may be made by any person with a substantial interest in the proposed Amendment.
 2. **Development Code Amendment.** An application to amend the text of the Development Code may

be made by any person with a substantial interest in the proposed Amendment.

3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

35.104.040 - Processing of Amendments

- A. **Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code, the County Zoning Map or the Comprehensive Plan, shall be accompanied by an application to make the project consistent.
- B. **Contents of application.** If initiated by a person other than the Board, Commission, or Director, an Amendment application shall be filed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
 1. **Application shall include a Development Plan.** Unless the Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with Section 35.82.080 (Development Plans) [Section 35.82.080 \(Development Plans\)](#) and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#) below.
 - a. DR (Design Residential).
 - b. MHP (Mobile Home Planned Development).
 - c. MHS (Mobile Home Subdivision).
 - d. PRD (Planned Residential Development).
 - e. SLP (Small-lot Planned Development).
 - f. C-V (Resort/visitor Serving Commercial).
 - g. SC (Shopping Center).
 - h. OT-R (Old Town Residential).
 - i. PI (Professional and Institutional).
 - j. M-RP (Industrial Research Park).
 - k. M-1 (Light Industry).
 - l. M-2 (General Industry).
 - m. MU (Mixed Use).
 - n. PU (Public Works Utilities).
 - o. REC (Recreation).
 - p. HWMF (Hazardous Waste Management Facility) overlay.
- C. **Processing.**
 1. **Application acceptance.**
 - a. **Director review.** After receipt of an application the Director shall review the application and determine whether to accept the application for processing or to refer the application to the Commission to determine whether to accept the application for processing.
 - (1) The Director may refer any application to the Commission that the Director determines to be:
 - (a) Inconsistent with the Comprehensive Plan and the inconsistency would not be

- resolved by approval of the amendment, or
- (b) Inconsistent with this Development Code and the inconsistency would not be resolved by approval of the amendment, or
 - (c) Inconsistent with a recent Comprehensive Plan or Community Plan update, or
 - (d) Precedent setting in nature, or
 - (e) In conflict with any recent action by the Board, or
 - (f) Likely to generate or has generated substantial public controversy, or
 - (g) If the application involves an amendment to the Comprehensive Plan, that the application is not in the public interest as required by Government Code Section 65358(a).
- (2) The action of the Director to refer an application to the Commission is final and not subject to appeal.
 - (3) If the Director refers the application to the Commission, then the Director shall provide a recommendation to the Commission as to whether the application should be accepted for processing.
- b. Commission review.** Upon referral by the Director, the Commission shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. If the Commission declines to accept the application for processing, then the Commission shall refer the application to the Board for a final decision regarding whether to accept the application for processing.
- (1) The action of the Commission to refer an application to the Board is final and not subject to appeal.
 - (2) If the Commission refers the application to the Board, then the Commission shall provide a recommendation to the Board as to whether the application should be accepted for processing.
- c. Board review.** Upon referral by the Commission, the Board shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. The decision of the Board is final.
- 2. Following acceptance of the application for processing, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 3. The Director may refer the application to the Subdivision/Development Review Committee and/or the Board of Architectural Review for review and recommendations to the Commission.
 - 4. In compliance with Government Code Section 65351, during the review of a Comprehensive Plan Amendment, the Department shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the Department deems appropriate.
 - 5. The Department shall also refer a proposed Comprehensive Plan Amendment to other agencies in compliance with Government Code Section 65352.
 - 6. **Native American consultation required.** Prior to the adoption of any Comprehensive Plan Amendment the Department, in compliance with Government Code Sections 65352.3 and 65352.4, shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the County's jurisdiction.

- D. Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed amendment to the text of the Development Code and/or the County Zoning Map and under the revised text or new zone the conditionally permitted use would become a permitted use, the Conditional Use Permit including the conditions of approval shall remain valid and in force, unless altered or deleted in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.104.050 - Action on Amendments

A. Comprehensive Plan Amendments.

1. Commission hearing and action.

- a. The Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Sections 65090 and 65091, as applicable.
- b. At the conclusion of the hearing the Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Commission carried by the affirmative vote of not less than a majority of the total membership of the Commission.
- c. The Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Commission first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.
- d. In compliance with Government Code Section 65354.5, any interested party may file a written request for a hearing on the Amendment by the Board with the Clerk of the Board within the five days following the Commission adopting its recommendation. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.

2. Board hearing and action.

- a. Following the receipt of the Commission's recommendation or where a hearing has been requested in compliance with Subsection A.1.d, above, the Board shall hold at least one noticed public hearing on the proposed Amendment.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify, or deny the recommendation of the Commission.
 - (1) The Board shall adopt an Amendment by resolution which shall be adopted by the affirmative vote of not less than a majority of the total membership of the Board.
 - (2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Commission during its hearing shall first be referred to the Commission for report and recommendation.
 - (a) The Commission shall not be required to hold a public hearing on the referral.
 - (b) The failure of the Commission to report within the 45 calendar days following the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a resolution approving or conditionally approving the Amendment only

if the Board first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) below.

B. Development Code and Zoning Map Amendments.

1. Commission hearing and action.

- a. The Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Sections 65090 and 65091, as applicable.
- b. At the conclusion of the hearing the Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Commission carried by the affirmative vote of not less than a majority of its total voting members.
- c. The Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Commission first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.
- d. In compliance with Government Code Section 65855 the Commission's recommendation shall include the reasons for the recommendation, and the relationship of the proposed Amendment to the Comprehensive Plan and applicable Specific Plans.

2. Board hearing and action.

- a. Following the receipt of the Commission's recommendation:
 - (1) **Development Code Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment.
 - (2) **Zoning Map Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment except that if the Commission recommends denial of the Zoning Map Amendment then the Board shall not be required to hold a public hearing or take any further action on the matter unless:
 - (a) An aggrieved party appeals the action of the Commission in compliance with [Chapter 35.102 \(Appeals\)](#), or
 - (b) An interested party requests a hearing by filing a written request with the Clerk of the Board within the five calendar days after the Commission files its recommendation with the Board.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify or deny the recommendation of the Commission.
 - (1) The Board shall adopt a Development Code or Zoning Map Amendment by ordinance which shall be adopted by the affirmative vote of not less than a majority of its total voting members.
 - (2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Commission during its hearing shall first be referred to the Commission for report and recommendation.
 - (a) The Commission shall not be required to hold a public hearing on the referral.
 - (b) The failure of the Commission to report within the 40 calendar days after the

referral, or within the time set by the Board, shall be deemed a recommendation for approval.

- d. The Board shall adopt a ordinance approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.

C. Compliance with Measure A96 required.

1. **Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with ~~Section 35.51.020 (Voter Approval Required)~~ [Section 35.52.020 \(Voter Approval – Facilities on South Coast That Support Offshore Oil and Gas Activities\)](#).
2. **Measure A96 to terminate in 2021.** This voter approval requirement was added to this Development Code in compliance with the Measure A96 voter approval initiative, passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

35.104.060 - Findings Required for Approval of Amendments

An application for an Amendment to the Comprehensive Plan, Development Code or Zoning Map may be approved only if the review authority first makes all of the following findings, as applicable to the type of Amendment.

A. Findings for Comprehensive Plan, Development Code and Zoning Map Amendments.

1. The request is in the interests of the general community welfare.
2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.
3. The request is consistent with good zoning and planning practices.

B. Additional finding for Comprehensive Plan Amendments.

1. If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.

35.104.070 - Effective Dates

- A. Comprehensive Plan, Development Code or Zoning Map.** A Comprehensive Plan, Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption an ordinance or resolution, as applicable, by the Board.

35.104.080 - Rezone Requirements for Specific Zones

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

A. AH overlay zone.

1. **Limitation on rezones.** The AH overlay zone may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay zone shall

include designation of the maximum density allowed on the site by the overlay.

3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Commission and Board first make all of the following findings in addition to those required in compliance with [Section 35.104.060 \(Findings Required for Approval of Amendment\)](#) above:
 - a. The site is located within an Urban area as designated on the Comprehensive Plan maps.
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).
 - c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
 - d. The site is served by a municipal sanitary district.
 - e. The site is of adequate size and shape to allow the reasonable development of housing.
 - f. The site is near major travel corridors or services.
 - g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
 - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
 - i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.
- B. **DR, MHP, OT-R, C-V, SC, PI, M-RP, M-1, M-2, MU, and PU zones.** An application for a rezoning to the DR, MHP, OT-R, C-V, SC, PI, M-RP, M-1, M-2, MU, and PU zones shall include a Preliminary Development Plan or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- C. **HWMF overlay zone.** An application for a rezoning to the HWMF overlay zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) which shall include all of the site area, unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan shall be incorporated into the rezoning ordinance.
 1. **Findings required for rezoning.** The approval of a rezoning to apply the HWMF overlay zone to property shall require that the Commission and Board first make all of the following findings:
 - a. There is a need for the off-site treatment, storage, or disposal hazardous waste management facility as determined in compliance with Policy 2-1 of the County's Hazardous Waste Element.
 - b. The proposed facility is consistent with the siting criteria for off-site hazardous waste management facilities identified in the Hazardous Waste Element and the development standards identified in [Section 35.28.140 \(Hazardous Waste Management Facility \(HWMF\) Overlay Zone\)](#).
 - c. A risk assessment has been prepared for the Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
 - d. The risks to human health and the environment have been minimized to the maximum extent

feasible and the remaining risks are considered acceptable.

- e. The project will not create a financial burden for the County.
- f. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure, and post-closure of the subject facility.

D. NTS zone. An application for a rezoning to the NTS zone shall include a Final Development Plan in compliance with Section 35.82.080 (Development Plans). An application to rezone to the NTS zone shall not be approved without concurrent approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) and the requirements of this Subsection D.

1. **Applicability.** This zone shall only be applied at the time application is made and lawfully considered to amend the Comprehensive Plan for purposes of applying the NTS land use designation. In no event may the NTS zone be applied to land located outside of the boundaries of the Official Map of Naples or lots that are contiguous to the boundaries of the Official Map which are owned by parties holding fee title to one or more of the Official Map lots, provided further that any such rezoning must be consistent with the intent of Coastal Land Use Plan Policy 2-13, and the agriculture and resource protection policies of the Comprehensive Plan including the Coastal Land Use Plan.
2. **Timing.** A rezone in compliance with the Subsection to apply the NTS zone may occur when the owner of property within the Official Map requests reevaluation of the existing land use designation and zoning district in compliance with Coastal Land Use Policy 2-13.
3. **Application requirements.** An application for a rezoning to the NTS zone shall, at a minimum, contain the following:
 - a. **Feasibility study.** Consistent with Coastal Land Use Plan Policy 2-13 for land use designation on lots depicted on the Official Map, an application for a rezoning to the NTS zone for lots located within the Official Map shall require the preparation of a feasibility study for transfer of development rights before or concurrently with the processing of a rezone application to apply the NTS zone.
 - (1) Following the completion of a feasibility study for transfer of development rights for any or all of the lots comprising the Official Map, the requirements of Subsection D.3.a. may be satisfied by preparing a new feasibility study, updating previous studies or otherwise demonstrating the continued adequacy of previous studies.
 - b. **Development Plan application.** An application for a rezoning to the NTS zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) including all of the site area proposed for rezoning.
 - c. **Open Space and Habitat Management Plan.** A preliminary Open Space and Habitat Management Plan in compliance with Subsection 35.26.060 shall be submitted in conjunction with an application to rezone to the Naples Town Site zone.
4. **Concurrent approval.** An application for a rezoning to the NTS zone shall not be approved without concurrent approval of a Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#).

E. PRD zone. An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#), unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

1. **Minimum site area.** A site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.

2. **Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Commission and Board first make all of the following findings:
 - a. That the property is of the type and character which is appropriate for a planned residential development in compliance with the specific purpose and intent stated within Subsection [35.23.020.G](#) (Planned Residential Development).
 - b. That the property is within an Urban area as designated on the Comprehensive Plan maps.
 - c. That the overall estimated population density which will result upon full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
 - d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.
- F. **SLP zone.** An application for a rezoning to the SLP zone shall include a Preliminary Development Plan or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
 1. **Minimum site area.** Rezoning to apply the SLP zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the SLP zone.
 2. **Findings required for rezoning.** The approval of a rezoning to apply the SLP zone to property shall require that the Commission and Board first make all of the following findings:
 - a. That the proposed SLP development provides affordable housing opportunities, consistent with the stated purpose and intent of the SLP district.
 - b. That the SLP is located within an Urban Area, as designated in the Comprehensive Plan, and within reasonable access to employment opportunities, public transportation, commercial centers, and schools.
- G. **REC zone.** An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) which shall include all of the site area unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
 1. **Minimum site area.** A site shall be a minimum of one acre to be rezoned to the REC zone, all of which shall be included in the Preliminary or Final Development Plan.
 2. **Findings required for rezoning.** Except for existing public or private outdoor recreation areas as designated on the Comprehensive Plan maps, the approval of a rezoning to apply the REC zone to property shall require that the Commission and Board first make all of the following findings:
 - a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, (i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources).
 - b. The proposal will conform with all applicable policies of the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.
 - c. The proposed recreational activities are compatible with land uses on adjacent lots.

CHAPTER 35.106 - NOTICING AND PUBLIC HEARINGS

Sections:

- 35.106.010 - Purpose and Intent
- 35.106.020 - Notice of Public Hearing and Review Authority Action
- 35.106.030 - Reserved
- 35.106.040 - Reserved
- 35.106.050 - Land Use Permits
- 35.106.060 - Design Review
- 35.106.070 - Emergency Permits
- 35.106.075 - Time Extensions Under the Jurisdiction of the Director
- 35.106.080 - Contents of Notice
- 35.106.090 - Notice of Pending Exemption from Permits
- 35.106.100 - Failure to Receive Notice
- 35.106.110 - Hearing Procedure

35.106.010 - Purpose and Intent

This Chapter establishes the minimum requirements for providing notice of a public hearing and other required noticing, and public hearing provisions and procedures.

35.106.020 - Notice of Public Hearing and Review Authority Action

- A. Minimum requirements.** Except for decisions on applications for Reasonable Accommodation processed in compliance with [Chapter 35.37 \(Reasonable Accommodation\)](#) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with [Section 35.82.070 \(Design Review\)](#), Emergency Permits processed in compliance with [Section 35.82.090 \(Emergency Permits\)](#), Land Use Permits processed in compliance with [Section 35.82.110 \(Land Use Permits\)](#), Zoning Clearances processed in compliance with [Section 35.82.210 \(Zoning Clearances\)](#), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. Mailed notice.**
 - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

- (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with [Chapter 35.44 \(Telecommunications Facilities\)](#).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.44.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.44.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d. **Contents of notice.** The contents of the notice shall be in compliance with [Section 35.106.080 \(Contents of Notice\)](#) below.
- e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that are under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

- (b) Applications for development that are under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plan required solely in compliance with Section 35.21.030.C, Section 35.22.030.C.1, Section 35.23.030.C.1, and Section 35.25.030.D.1.a.
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).
- (3) Said notice shall be posted by the applicant:
- (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

35.106.030 - Reserved**35.106.040 - Reserved****35.106.050 - Land Use Permits**

A. Minimum requirements. Notice of an application and pending action or action on a Land Use Permit application shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice. Mailed notice shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.44.010.C.1.
- (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

b. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:

- (1) If the application is subject to Design Review in compliance with Section 35.82.070

- (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:
- (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
- d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c, above and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department prior to the action by the Director to issue the Land Use Permit. Failure of the applicant to comply with this Section may result in postponement of the action by the Director.

35.106.060 - Design Review

- A. Minimum Requirements.** Notice of applications for Design Review shall be given in compliance with the following:
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
- a. Mailed notice.** Mailed notice shall be provided to
- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- (3) The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- b. Posted notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.1.c above, until at least 10 days following final action by the Board of Architectural Review.
 - e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
- 2. By the applicant.** Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35.106.020 (Notice of Public Hearing and Review Authority Action), notice shall be given by the applicant in compliance with the following:
- a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
 - c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Board of Architectural Review, including conceptual review.
 - d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Board of Architectural Review to grant final approval.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Chapter may result in postponement of the review by the Board of Architectural Review.

35.106.070 - Emergency Permits

- A. Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
- 1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - 2. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3. The Department shall also conspicuously post a notice in three locations on the subject lot.
 - 4. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.

35.106.075 - Time Extensions Under the Jurisdiction of the Director

- A. Minimum requirements.** Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** If the Director is the decision-maker on an application because the requirement for a hearing on the application has been waived in compliance with this Article, then notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - b. Mailed notice.**
 - (1) Except as provided in Subsection A.1.g, below, mailed notice shall be provided to:
 - (a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (b) All residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35.44.010.C.1.
 - (c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - (2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - (3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.(1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - (a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - (b) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.a.(1), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.
 - c. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - d.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - e.** The posted notice shall be required to be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
 - f.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice).

35.106.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by applicant.
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A description of the project and its location.
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
 3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
 4. ~~Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.44 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.106.110 (Hearing Procedure) below.~~
- C. Notice for projects that do not require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A. (Notice for all projects), above.
 2. A general description of the County procedures concerning the review of the application, including:
 - a. How to participate in the review of the application;
 - b. How to receive notification of any pending review in compliance with [Section 35.82.070 \(Design Review\)](#) if applicable, or action to approve, conditionally approve, or deny the application;
 - c. How to submit comments either in writing or orally before review by the Board of Architectural Review if applicable, or action to approve, conditionally approve, or deny the application; and
 - d. Requirements regarding the procedure to appeal the decision of the Board of Architectural Review if applicable, or action by the Director to approve, conditionally approve, or deny the application.
 3. If applicable, the date of the pending action on the application and the date of expiration of the appeal period.

35.106.090 - Notice of Pending Exemption from Permits

A. Minimum requirements. Notice of the pending grant of an exemption from a Land Use Permit for the repair of a nonconforming structure other than a one-family dwelling ~~located in the Inland Area~~ shall be given as follows.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - b. The notice shall be mailed to any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - c. The notice shall be posted a minimum of 10 days before the granting of the exemption.
 - d. The notice shall be required to be continuously posted for a minimum of 10 days from the date required by Subsection A.1.c above, until at least 10 days following the grant of exemption.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - a. The applicant shall conspicuously post notice at a minimum of three locations on and around the perimeter of the subject property with at least one notice posted in a location that can be viewed from the nearest public or private street or easement.
 - b. The language and form of the notice shall be provided to the applicant by the Department. The contents of the notice shall be in compliance with Subsection B. (Contents of notice) below.
 - c. The notice shall be posted a minimum of 10 days before the granting of the exemption.
 - d. The notice shall be required to be continuously posted for a minimum of 10 days from the date required by Subsection A.2.c above, until at least 10 days following the grant of exemption.
 - e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department a minimum of 10 days before the granting of the exemption.

B. Contents of notice. The notice shall contain the following information:

1. The date of filing of the application and the name of the applicant.
2. The Department case number assigned to the application.
3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
4. That an application for the repair of a nonconforming residential accessory structure has been made to the Department.
5. A description of the nonconforming residential accessory structure and its location.
6. That the Department has initially determined that the application is exempt from permit requirements because the structure is nonconforming and was damaged to an extent of less than 75 percent of the replacement cost of the total structure at the time of the damage.
7. That the public has 10 days from the date the notice was posted to request a public hearing before the Zoning Administrator to determine the nonconforming status of the structure and the extent of damage.

35.106.100 - Failure to Receive Notice

The failure of any person or entity to receive notice given in compliance with this Chapter or in compliance with State law (Government Code Sections 65090-65096) shall not invalidate the actions of the Department or the applicable review authority.

35.106.110 - Hearing Procedure

- A. Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
- B. Hearing may be continued.**
1. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 2. If an announcement of a continued date, time, and place is not given, notice of further hearings shall be provided in compliance with this Chapter.
- C. Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

CHAPTER 35.108 - ENFORCEMENT AND PENALTIES

Sections:

- 35.108.010 - Purpose and Intent
- 35.108.020 - Investigation
- 35.108.030 - Work Stoppage
- 35.108.040 - Referral for Legal Action
- 35.108.050 - Legal Remedies
- 35.108.060 - Cumulative Remedies and Penalties
- 35.108.070 - Recovery of Costs
- 35.108.080 - Processing Fee Penalty Assessment⁵⁴
- 35.108.090 - Penalty for Violations of Conditions

35.108.010 - Purpose and Intent

This Chapter establishes provisions which are intended to ensure compliance with the requirements of this Development Code and any conditions of a ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, Zoning Clearance or any other permit, to promote the County's planning efforts, and for the protection of the public health, safety, and welfare of the County.

35.108.020 - Investigation

The Director is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Development Code. If a violation is determined to exist or to be impending, the Director is hereby authorized to take the measures as the Director deems necessary or expedient to enforce and secure compliance with the provisions of this Development Code.

- A. **Cooperation of other officials.** The Director may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.
- B. **Right of entry and inspection.**
 - 1. **Director may enter any structure or premise.** With the consent of the owner or occupant, the Director may enter at all reasonable times any structure or premise in the County for the purpose of carrying out any act necessary to perform any duty imposed by this Development Code.
 - 2. **Provision of identification.** Upon request the Director shall provide adequate identification.
 - 3. **Use of inspection warrant.** An inspection warrant may be obtained if entry is refused.
- C. **Liability.**
 - 1. The Director or any other person charged with the enforcement of this Development Code, if acting in good faith and within the course and scope of their employment, shall not be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of their duties.
 - 2. Any suit brought against the Director, because of the act or omission performed in the enforcement of any provision of this Development Code, shall be defended by the County Counsel.

35.108.030 - Work Stoppage

Where any construction work is being done in conflict with the provisions of this Development Code, the Director may order the work stopped by giving notice in writing and serving the notice and order on any person engaged in doing or causing the work to be done. Upon receipt of the notice, any person, their agents, employees, or servants, shall immediately stop the work until recommencement is authorized by the Director.

35.108.040 - Referral for Legal Action

If unable to otherwise enforce the terms of this Development Code, the Director shall refer the matter to the District Attorney and/or County Counsel for appropriate legal action.

35.108.050 - Legal Remedies

A. Civil actions.

1. **Public nuisance.** Any structure which is altered, constructed, converted, enlarged, erected, maintained, moved, or setup in conflict with the provisions of this Development Code, and any use of any land, premise, or structure conducted, established, maintained, or operated in conflict with the provisions of this Development Code, shall be and the same is hereby declared to be unlawful and a public nuisance.
2. **Injunctive relief.** Whenever, in the judgment of the Director, any corporation, firm, or person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, and at the request of the Director, the District Attorney, or the County Counsel may make application to the Superior Court for an order enjoining the act or practice, or for an order directing compliance, and upon a showing by the Department that the corporation, firm, or person has engaged in or is about to engage in the act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.
3. **Abatement.** In the event that any corporation, firm, or person shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the Director may request the District Attorney or County Counsel to apply to the Superior Court for an order authorizing the Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of the undertaking.

B. Civil Remedies and penalties.

1. **Civil penalties.** Any person, whether acting as agent, employee, principal, or otherwise, who willfully violates the provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable for a civil penalty not to exceed \$25,000.00 for each day that the violation continues to exist.
2. **Costs and damages.** Any person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be liable to the County for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of the violation.
3. **Procedure.** In determining the amount of the civil penalty to impose, the court may consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

C. Criminal actions and penalties.

1. **Infractions.** Any corporation, firm, or person, whether acting as agent, employee, principal, or otherwise, violating any provisions of this Development Code, or any permit, order, regulation, or rule issued in compliance with this Development Code, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by:
 - a. A fine not exceeding \$100.00 for a first violation;
 - b. A fine not exceeding \$200.00 for a second violation of the same provision within a 12-month

period; and

- c. A fine not exceeding \$500.00 for each additional violation of the same provision within a 12-month period.

2. Misdemeanors.

- a. Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Development Code within the 12 month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Development Code within the 24-month period immediately preceding the commission of the offense.
- b. Upon conviction of a misdemeanor the punishment shall be a fine of not less than \$500.00 nor more than \$25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both the fine and imprisonment, except that where the prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or *nolo contendere* or by trial by the court sitting without a jury, the punishment shall be a fine of not less than \$1,000.00 nor more than \$25,000.00 or by imprisonment in the County jail for a period not to exceed 180 days or by both the fine and imprisonment.

3. **Violations.** Each and every day during any portion of which any violation of this Development Code or any permit, order, regulation, or rule issued in compliance with this Development Code, is committed, continued, or permitted by the corporation, firm, or person shall be deemed a separate and distinct offense.

35.108.060 - Cumulative Remedies and Penalties

The remedies or penalties provided by this Development Code are cumulative to each other and to the remedies or penalties available under all other laws of this State.

35.108.070 - Recovery of Costs

A. Purpose and intent.

1. **Purpose.** This Section establishes procedures for the recovery of administrative costs, including staff time expended for items such as reports, site inspections, summaries, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time that reasonably relates to the enforcement of the provisions of this Development Code.
2. **Intent.** The intent of this Section is to recoup administrative costs reasonably related to enforcement.

B. Maintenance of records by Department.

1. The Department shall maintain records of all administrative costs incurred by responsible County departments associated with the processing of violations and enforcement of this Development Code and shall recover the costs from the property owner in compliance with this Section.
2. Staff time shall be calculated at an hourly rate in compliance with the Board's Fee Resolution.

C. Notice of violation.

1. Upon investigation and a determination that a violation of any of the provisions of this Development Code is found to exist, the Director shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections to the notice.

2. The notice shall contain the following information:
 - a. The address of the property in violation.
 - b. The section of the Development Code violated.
 - c. A description of the violation.
 - d. An advisory that administrative costs will be assessed upon conclusion of the enforcement action.
 - e. An advisory that all administrative costs will be billed at an hourly rate to the owner of record and/or responsible party within a summary (billing statement) of administrative costs in compliance with the Board's Fee Resolution.
 - f. An advisory of the current hourly rate in effect.
 - g. An advisory that any permit sought or required to cure the violation is subject to the assessment of an additional penalty processing fee established in compliance with the Board's Fee Resolution
 - h. An advisory of the right to appeal the administrative costs in compliance with Subsection D. (Summary of costs (administrative fees)) below, within 10 days of service of the billing statement.

D. Summary of costs (administrative fees).

1. At the conclusion of the enforcement action, the Director shall send a summary of costs/billing statement associated with enforcement to the owner of the subject property and/or the responsible party by certified mail.
2. The summary/billing statement shall include the following information:
 - a. An advisory of the right to file an appeal of the administrative costs.
 - b. A requirement to submit the written appeal within 10 days of the date of the summary/billing statement.
 - c. An advisory that failure to appeal the administrative fees will eliminate the right to object to the fees and that the owner and/or responsible party will be liable to the County for the assessed charges.
 - d. An advisory that assessed costs can be recovered in a civil action.
 - e. An advisory that the assessed costs can be recovered by recording a lien against the property that is the subject of the enforcement activity and that the amount of the lien may be collected at the same time and in the same manner as property taxes are collected.

E. Hearing on objections. Any property owner, or other person having possession and control thereof, who receives a summary of costs/billing statement in compliance with this Section shall have the right to a hearing before the Director on their objections to the proposed costs in compliance with the following procedures.

1. A request for a hearing shall be filed with the Department within 10 days of the service by certified mail of the Department's summary of costs/billing statement.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity of the objections.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered shall include the following:
 - a. Whether the present owner created the violation;

- b. Whether there is a present ability to correct the violation;
 - c. Whether the owner moved promptly to correct the violation;
 - d. The degree of cooperation provided by the owner; and
 - e. Whether reasonable minds can differ as to whether a violation exists.
4. The Director's decision shall be appealable to the Board in compliance with [Chapter 35.102 \(Appeals\)](#).
 5. In the event that (a) no request for hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs and an appeal to the Board is not filed in a timely manner, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary/billing statement or any lesser amount as determined by the Director.
 6. If the costs have not been paid within 45 days of notice thereof, these costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County, or by recording a lien against the property that is the subject of the enforcement activity.
 - a. Except for liens recorded against a property (1) containing an owner-occupied residential dwelling unit or (2) to recover costs associated with an enforcement, abatement, correction, or inspection activity regarding a violation in which the violation was evident on the plans that received a Building Permit, the amount of the proposed lien may be collected at the same time and in the same manner as property taxes are collected. All laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, before the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this Section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.
 - b. The amount of any cost shall not exceed the actual cost incurred performing the inspections and enforcement activity; the actual cost may include permit fees, fines, late charges, and interest.
 - c. The owner of the property that is the subject of the enforcement activity shall be provided with written notice of the proposed lien, including a description of the basis for the costs comprising the lien, a minimum of 45 days after notice to pay the costs. The notice shall also inform the owner of the ability to appeal the imposition of the proposed lien to the Board regarding the amount of the proposed lien. The notice shall be mailed by certified mail to the last known address of the owner of the property.
 - d. The Board may delegate the holding of the hearing required by this Section to a hearing board designated by the Board. The hearing board may be the Housing Appeals Board established in compliance with Health and Safety Code Section 17920.5 or any other body designated by the Board. The hearing board or body shall make a written recommendation to the Board which shall include factual findings based on evidence introduced at the hearing. The Board may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the Board. Notice in writing of the de novo hearing shall be provided to the owner of the property that is the subject of the enforcement activity at least 10 days before the scheduled hearing.

- e. If the Board determines that the proposed lien authorized in compliance with Subsection 6.a., above shall become a lien, the Board may also cause a notice of the lien to be recorded. This lien shall attach upon recordation in the Office of the County Recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice shall, at a minimum, identify the record owner or possessor of the property, identify the last known address of the record owner or possessor, identify the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.

35.108.080 - Processing Fee Penalty Assessment

Any person who shall alter, construct, enlarge, erect, maintain, or move any structure, or institute a use for which a permit is required by this Development Code without first having obtained the permit, shall, if subsequently granted a permit for that structure or use, or any related structure or use on the property, first pay an additional penalty permit processing fee for after the fact authorization of development, in compliance with the Board's current Fee Resolution. ~~Within the Coastal Zone, the additional permit processing fee shall not be construed, in any manner to be in lieu of any penalties that may be otherwise assessed for the unpermitted development pursuant to any other section of the certified Local Coastal Program or Coastal Act.~~

35.108.090 - Penalty for Violations of Conditions

- A. **Compliance with conditions required.** If any portion of a privilege authorized by a ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code is utilized, the conditions of said permit shall immediately become effective and shall be strictly complied with.
- B. **Violation of conditions subject to penalty.** The violation of any valid condition imposed by the review authority in connection with the granting of any ~~Coastal Development Permit~~, Conditional Certificate of Conformance, Conditional Use Permit, Development Plan, Emergency Permit, Land Use Permit, Modification, Sign Certificate of Conformance, Variance, or any other permit approved in compliance with this Development Code, shall constitute a violation and shall be subject to the same penalties as defined in this Chapter.

ARTICLE 35.11

Glossary

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CHAPTER 35.110 - DEFINITIONS

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35.110.010 - Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the Santa Barbara County Code, the Director shall determine the correct definition utilizing the latest edition standard dictionary.

35.110.020 - Definitions of Specialized Terms and Phrases

As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. To physically touch or border upon; or to share a common property line.

Accessory Agricultural Structure. A structure designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock or horticultural products that supports the agricultural use of the lot.

Accessory dwelling unit. An attached or a detached residential dwelling unit on a permanent foundation that is located on the same lot as a one-family or multiple-family dwelling that the accessory dwelling unit is accessory to and (1) provides complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sanitation, and sleeping, (2) provides interior access between all habitable rooms, and (3) includes an exterior access that is separate from the access to the principal dwelling or accessory structure in which the accessory dwelling unit is located. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

1. **Attached accessory dwelling unit.** An accessory dwelling unit that shares a common wall with the principal dwelling.
2. **Detached accessory dwelling unit.** An accessory dwelling unit that is detached from the principal dwelling and is located on the same lot as the principal dwelling.

Accessory Residential Structure or Use. Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property. Accessory Agricultural Structures are separately defined. Examples of this land use include the following:

artist studios	spas and hot tubs
cabanas	storage sheds
garages	swimming pools
gazebos	tennis and other onsite sport courts
greenhouses (non-commercial)	workshops
guesthouses	

Also includes the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care facility, hotel, office, or industrial complex, to employees or customers of, or visitors to the principle use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes; and barber and beauty shops within residential care facilities.

Accessory Structure. A structure located upon the same site as the structure or use to which it is accessory. The use of an accessory structure is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site.

Accessory Use. A use that is customarily incidental, appropriate and subordinate to the use of the principal structure, or to the principal land use of the site and that does not alter the principal use of the lot or adversely affect other properties in the vicinity.

Adjacent. See “abut.”

Aerial Approach Zone. An area at ground level that begins at the end of each runway and extends under the path of landing or departing aircraft to a distance determined by the characteristics of the runway.

Affordable Housing. The State defines affordable housing as housing that can be purchased or rented by households whose gross annual household income does not exceed 120 percent of area median income, adjusted for household size. Santa Barbara County expands this to include households with income up to 200 percent of area median income. This housing may be subject to a covenant or deed restriction that restricts sales price or rent for a given period of time. Certain types of housing such as homeless shelters, dormitories, farm labor camps, and housing for people with disabilities may not require price controls because they generally provide housing for a special needs group.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with County employees, committees, Commissions, and the Board, regarding matters regulated by this Development Code.

Aggrieved Person. A person who, in person or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the County of the nature of their concerns, or who for good cause was unable to do either.

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

Agricultural Development. Any agricultural structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

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

Agricultural Improvement. Agricultural activities or structures on agriculturally designated lands which are not subject to building, grading, or brush clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or agricultural brush-clearing permits.

Agricultural Preserve Contract. A contract complying with the Land Conservation (Williamson) Act (Government Code Section 51200 et seq.) between the County and a landowner in which the landowner restricts development of lands devoted to agricultural uses in return for a reduction in property taxes.

Agricultural Processing. The initial processing or preparation for shipping of agricultural products, including milling by simple mechanical process without additives, chemical reactions, changes in ambient

temperatures and/or hazardous materials produced on the same site ("on-premise products") or from other properties ("off-premise products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables	pressing olives to create olive oil
flower growing	sorting, grading and packing of fruits and vegetables
pre-cooling and packaging of fresh or farm dried fruits and vegetables	

Does not include "wineries" which are defined separately.

Agricultural Processing - Extensive. The refinement or other processing of agricultural products to substantially change them from their raw form, which involves machinery, chemical reactions, and/or hazardous or highly odiferous materials or products. Examples of this land use include the following:

corn shelling	grist mills
cotton ginning	milling of flour, feed and grain
ethanol production	sugar mills
grain cleaning and custom grinding	

Agricultural Product Sales. The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on the premises or other products as allowed by [Section 35.42.050 \(Agricultural Product Sales\)](#) of this Development Code.

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

Agricultural Soil Export Mining—~~Inland Area only.~~ Grading done for agricultural activities, as defined in California Code of Regulations, Title 14, Section 3501, that requires the export of soil and such export does not exceed 75,000 cubic yards from any one parcel or group of contiguous parcels since January 1, 2005. For the purposes of this definition any permitted or unpermitted export of soil since January 1, 2005, whether or not qualified as agricultural grading, shall be included in the calculation of 75,000 cubic yards.

Agricultural Structural Development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land and are permitted in compliance with [Section 35.42.030 \(Agricultural Employee Dwellings\)](#) or [Section 35.42.260 \(Temporary Uses and Trailers\)](#).

Agricultural Support Use. Uses such as the sorting and processing of local fruits and vegetables, wineries, or feed distribution; that are a necessary and integral part of maintaining on-premise production and marketing, and that are directly associated with onsite agricultural or ornamental crop, or animal raising operations. Other uses permitted by Conditional Use permit in an agricultural district such as oil drilling are not to be construed as an agricultural support use.

Agriculture. The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for sale and marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises, and as allowed by [Section 35.42.050 \(Agricultural Product Sales\)](#), but not including a slaughter house, fertilizer works, commercial packing or processing plant, or plant for the reduction of animal matter or any other similarly objectionable use.

Airport. An area of land or water used for the landing and take-off of aircraft as well as any appurtenant areas used for airport buildings, aircraft operations, and related facilities, including aprons and taxiways, control towers, hangars, safety lights, and structures. These facilities may also include parachute jump areas and FAA-certified parachute lofts; and facilities for aircraft manufacturing, maintenance, repair, and reconditioning. Also includes agricultural, personal, restricted, and public use landing strips, defined as follows:

1. **Airstrip.** An airfield without normal airport facilities consisting of a landing strip or heliport used for agricultural crop dusting or the personal use of the tenant or owner of the site and excluding public use and commercial operations.
2. **Airstrip, Temporary.** An airstrip without hard surface materials
3. **Public Use Airfield.** Any landing strip, airport, or heliport available for public use, or listed in the Airport Directory of the current Airman's Information Manual or in the Pacific Airman's Guide and Chart Supplement.

Alley. A public passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Amateur Radio Station. A radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

Amine Column or Tower. A tall, cylindrical vessel used to remove contaminants, such as hydrogen sulfide and carbon dioxide, from natural gas with the use of amines.

Animal Enclosure. A structure for restricting the movement of, and/or sheltering animals. Includes corrals, paddocks, pens, etc. Barns, stables, and other similar roofed structures are also included under the definition of Agricultural Accessory Structure.

Animal Hospital. See Medical Services - Animal Hospital.

Animal Keeping. See [Section 35.42.060 \(Animal Keeping\)](#).

Antenna. See "Telecommunications Facility."

Antenna Envelope. See "Telecommunications Facility."

Antenna Support Structure. See "Telecommunications Facility."

Apartment. A room or suite of rooms within a building comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, and a bathroom, occupied or suitable for occupation as a residence for living and sleeping purposes.

~~**Appealable Development.** In the Coastal Zone and in compliance with Public Resources Code Section 30603(a), appealable development consists of the following:~~

- ~~1. Development approved by the County between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.~~
- ~~2. Development approved by the County not included within paragraph 1., above located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone maps or as determined by the State Lands Commission.~~
- ~~3. Development that is located within a sensitive coastal resource area.~~
- ~~4. Development authorized by the County through Conditional Use Permit approval.~~
- ~~5. A major public works project or a major energy facility, as defined in this glossary.~~

Appliance Manufacturing. An establishment that manufactures appliances or equipment for domestic use, including stoves, refrigerators, and washing machines.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents

written authorization from the property owner to file an application with the County; or

3. Presents written authorization from the property owner to file an application with the County.
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Aquaculture. The raising and harvesting of aquatic plant and animal organisms.

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

Arcade. A permanent roofed structure attached to the building, projecting over public property, and partially enclosed and supported by supports located on public property.

Architectural Element. A portion of a building that exceeds the height limit and extends beyond the roof of the building.

Architectural Projection. A projection not intended for occupancy and which extends beyond the face of an exterior wall or roof of a building, but not including signs.

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

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

Artist Studio. A structure or portion of a structure used as a place of work by a professional artist (e.g., painter, sculptor, etc.) for the commercial production of art.

Attached Structure. A structure with at least five linear feet of wall serving as a common wall with the structure to which it is attached.

Attendant Structure. See "Accessory Structure."

Auto and Vehicle Sales/Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as allowed by the applicable zone.

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Wrecking Yard. See "Recycling Facility."

Automobile Service Station. A retail place of business engaged in supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and to the fulfilling of motorists needs. These include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded. Incidental products and services may include non-auto related items such as refreshments provided the floor area devoted to these items is no greater than 100 square feet.

Awning. A roof-like structure, often made of canvas or plastic, that serves as a shelter, as over a storefront, window, door, or deck.

B. Definitions, "B."

Bakery and Baked Goods Production and Distribution. The production and wholesale distribution of baked goods, including bread, pastries, etc. Does not include retail bakeries where the majority of products baked are sold at retail on the same premises, which are included under the definition of "General Retail".

Bank, Financial Services. Financial institutions including:

banks and trust companies	other investment companies
credit agencies	securities/commodity contract brokers and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	

Does not include check cashing stores, which are instead defined under "Personal Services."

Bar, Tavern. A business where alcoholic beverages are sold for onsite consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, cocktail lounges, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

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

Base Flood Elevation. The computed elevation to which floodwater is anticipated to rise during the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) which may be supplemented by studies for other areas which allow implementation of Chapter 15A of the County Code and which are recommended to the board of directors by the floodplain administrator and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures.

Basement. A story partly or wholly underground. A basement shall be counted as a story if its floor-to-ceiling height is 6.5 feet or more, and more than one-half of its height is above the average level of the adjoining ground surface.

Basement - Summerland. Any usable or unused under floor space where the finished floor directly above is not more than four feet above grade (as defined by the latest addition of the Uniform Building Code).

Bathroom. A room containing toilet and sink and bathing facilities.

Bed and Breakfast Inn (B&B). See "Lodging."

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

Block. The property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets, and a railroad right-of-way, water course or other body of water.

~~**Bluff Edge.** See "Coastal Bluff Edge."~~

Board, or Board of Supervisors. The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Development Code as the "Board."

Boarding or Rooming House. See "Lodging."

Boat Building and Sales. A site and/or facility for the manufacture and sale of boats.

Boat club. A club that promotes and supports yachting and boating.

Boat launching facility, accessory to approved recreation use. A facility specifically designed to assist

with the ingress/egress of boats and other aquatic vehicles.

Broadcasting Studio. Commercial and public communications use including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities."

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Buffer, Agricultural. A designated width of land used to minimize potential land use conflicts between non-agricultural development/uses and adjacent agricultural uses. The following terms are defined for the purposes of Section 35.30.025 (Agricultural Buffers).

1. **Production Agriculture.** A commercial agricultural operation that excludes rangeland or pastureland operations. Production agriculture allows for a change of crop or fallow periods.
2. **Rangeland or Pastureland.**
 - a. Land that is not currently used for agricultural production but is used for the grazing or pasturing of livestock, such as cattle and horses, which may also include facilities for confining animals, but not involving a commercial livestock feed or sales yard or dairy.
 - b. Land which is limited in its potential use, as defined by soils or other constraining factors, from supporting production agriculture. See the Agricultural Buffer Implementation Guidelines (Appendix IG) for details.
3. **Sensitive Non-agricultural Uses.** Child care facilities, educational facilities, medical facilities, schools, student dormitories, senior housing, and other similar uses.
4. **Small Lot.** A lot equal to or smaller than one-half acre that is located adjacent to an Urban Boundary Line as designated on the Comprehensive Plan maps.

Buffer, Stream. A designated width of land abutting a stream that protects biological productivity, water quality, and the hydrological characteristics of the stream.

Building. A structure with a roof supported by columns or walls and intended to provide shelter, housing or enclosure of persons, animals or chattel. Does not include travel trailers.

Building Coverage. The amount of land covered or permitted to be covered by buildings or structures, excluding tennis courts and unenclosed swimming pools, usually measured as a percent of a lot.

Building and Landscape Materials Sales. A retail business selling hardware, lumber and other large building materials, plant materials, and other landscaping materials.

Building Official. The Building Official of the County of Santa Barbara, and/or designee of the Building Official.

Building Site. A single lot of land under one ownership occupied or intended to be occupied by a structure.

Build-to- Line. The Build-to Line establishes a specific distance from the front line where a building shall be located on a lot.

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

Business Machine Manufacturing and Assembly. An establishment that manufactures and assembles business machines, including:

electronic data processing equipment	calculators
accounting machines	typewriters and related equipment

Business Plan. See “Hazardous Waste, Business Plan.”

Business Support Service. A commercial use that provides services to other commercial uses. Examples of these services include:

blueprinting	film processing and photofinishing (retail)
computer related services (rental, repair)	outdoor advertising services
copying and quick printing services	mailing and mail box services
courier, messenger, and delivery services, small scale	protective services (other than office related)
without fleet vehicle storage (see also “Freight Terminals”)	security systems services

C. Definitions, "C."

Cabaña. A building, the use of which is incidental and accessory to the use of a swimming pool, or sports court that may include bathrooms, but does not include sleeping quarters or cooking facilities.

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

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

Cannabis: All parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including, but not limited to, separated resin. Cannabis also means medical and non-medical marijuana. Cannabis does not include industrial hemp, as defined in Section 11018.5 of the Health and Safety Code as may be amended. Additionally, the following terms are defined for the purposes of Chapter 35.42.075 (Cannabis Regulations):

1. **Commercial cannabis activity.** Any activity, recreational or medicinal, including the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided in this Chapter.
2. **Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, or trimming of cannabis, as well as grading of land to conduct any such activity. Cultivation includes outdoor cultivation, indoor cultivation, and mixed light cultivation as follows:
 - a. **Indoor cultivation.** The cultivation of cannabis within a structure using exclusively artificial light.
 - b. **Outdoor cultivation.** The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation. No artificial lighting is permissible for outdoor cultivation, including within hoop structures.
 - c. **Mixed-light cultivation.** The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.
3. **Distribution.** The procurement, sale, and transport of cannabis and cannabis products between licensees.
4. **Distributor.** A facility used for the storage and distribution of cannabis and cannabis products.

5. **Manufacturing.** All aspects of the extraction and/or infusion process, including preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any preparing, holding, or storing of components and ingredients.
 6. **Microbusiness.** Permit by an owner or entity to engage in three of the four following cannabis activities: cultivation, distribution, non-volatile manufacturing, and/or retail. Microbusiness permits must demonstrate compliance with all requirements imposed by this Article on cultivators, distributors, non-volatile manufacturers, and retailers to the extent the permit is to engage in such activities.
 7. **Nonvolatile Manufacturing.** Manufacturing using any solvent in the extraction process that is not a volatile solvent. For purposes of this Section, nonvolatile solvents include, but are not limited to, carbon dioxide and ethanol.
 8. **Nursery.** The production solely of clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.
 9. **Personal Use.** The cultivation, harvesting, drying, or processing of cannabis plants with the intent to possess, smoke, or ingest cannabis or cannabis products for one's own individual use or by a primary caregiver for their qualified patient(s) in accordance with State law.
 10. **Premise.** The designated structure or structures and land specified in the state application that is owned, leased, or otherwise held under the control of the applicant where the commercial cannabis activity will be or is conducted. The premise shall be a contiguous area and shall only be occupied by one state license.
 11. **Private residence.** A house, an apartment unit, a mobile home, a condominium, a townhome, an accessory dwelling unit, or other similar dwelling.
 12. **Processing.** All activities associated with drying, curing, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.
 13. **Retail.**
 - a. **Non-Storefront Retailer.** Delivery-only retail of commercial cannabis or cannabis products.
 - b. **Storefront Retail.** The retail sale and delivery of cannabis or cannabis products to customers, also referred to as a Storefront Retailer. A retailer shall operate from a licensed premise, which is a physical location from which commercial cannabis activities are conducted. A retailer's premise may be closed to the public. A storefront retailer may also conduct some sales by delivery.
 14. **Testing.** An accredited laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.
 15. **Volatile Manufacturing.** Manufacturing using any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.
- Canopy.** A permanent roof structure that does not project over public property, which may be freestanding, attached to a building, or entirely or partly supported by a building.
- Carnivals, Circuses, and Similar Activities.** A temporary amusement show usually including rides, games, and sideshows.
- Caretaker/Manager Dwelling.** A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carpinteria Valley Consolidated Planning Area (CVCPA). An oil and gas planning region bounded by the Santa Barbara/Ventura County boundary to the east, the three-mile offshore limit line to the south, the City of Santa Barbara eastern boundary to the west, and the ridge of the Santa Ynez Mountains to the north. See Figure 11-1, below.

Figure 11-1 - Carpinteria Valley Consolidated Planning Area



Cemetery. An interment establishment that provides subdivided cemetery lots and burial plots or air space for sale. May include: animal cemeteries; cemetery, mausoleum (see also definition of Mausoleum), columbarium, and crematorium facilities, and accessory chapels. Mortuaries and funeral homes are defined separately.

Centerline of Street. A line that bisects the right-of-way of a street or highway into two equal parts. The centerline of the service road of a freeway or limited access highway shall be defined as the centerline of the traveled way of the service road.

Ceramic Product Manufacturing. An establishment that manufactures ceramic products, such as pottery, figurines, and small glazed tiles, utilizing only previously pulverized clay, provided that kilns are fired only by electricity or gas. Also see "Handcraft Industries and Small Scale Manufacturing," "Home Occupations."

Certified Farmers Market. A location and operation where agricultural products are sold by producers or certified producers directly to consumers in compliance with the State's Direct Marketing Regulations (California Code of Regulations Section 1392 et seq.) and the provisions of this Development Code.

Certified Farmers Market, Incidental. An incidental Certified Farmer's Market is a temporary and periodic use conducted in a parking lot or other open area on the site of another principle use.

Change of Use. The replacement of an existing use on a lot or any portion of a lot, by a new use, but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Charitable Function. An event or activity whose primary purpose is of a charitable or noncommercial nature.

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

Chemical Product Manufacturing. An establishment that produces or uses chemicals and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption; or to be used as materials or supplies in

other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail sales.

Child Care. See "Day Care."

Church. See "Meeting Facility, Religious."

Civil Code. The Civil Code of the State of California.

Clinic. See "Medical Services - Clinic, Urgent Care."

Clothing store. A retail outlet designed to sell clothing and clothing accessories.

Club. An organization, group or association supported by its members, having as a primary purpose the promotion of some common objective such as literature, science, politics or fellowship, but not including organizations, groups or associations whose primary purpose is to render a service customarily carried out as a business or formed to provide housing for its members. See also Meeting Facility

~~**Coastal Act.** The California Coastal Act of 1976, commencing with Public Resources Code Section 30000.~~

~~**Coastal Bluff.** A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section. The terms "coastal bluff," "bluff face," and "sea cliff" are equivalent.~~

~~**Coastal Bluff Edge.** The uppermost termination of a coastal bluff. Where the bluff edge is rounded away as a result of erosional processes, the bluff edge shall be defined as that point nearest the bluff at which the downward slope gradient of the land begins to increase more or less continuously until it reaches the general slope gradient of the bluff face. In the case where there is one or more step-like features on the bluff, the landward edge of the uppermost riser shall be considered the bluff edge.~~

Coastal Commission. The California Coastal Commission created by and operating under the Coastal Act of 1976.

~~**Coastal Dependent Development or Use.** A development or use that requires a site on or adjacent to the sea to be able to function at all.~~

~~**Coastal Dependent Recreation.** Activities that require a coastal location to occur (e.g., ocean swimming, surfing, scuba diving, fishing, boating, beach activities, and nature study).~~

Coastal Land Use Plan (Coastal Plan). The Land Use Plan of the Santa Barbara County Local Coastal Program, including maps and text which indicate the kinds, location, and intensity of land uses and includes resource protection and development policies.

~~**Coastal Related Development.** Development that is dependent on a coastal dependent development or use.~~

~~**Coastal Related Recreation.** Activities that are popular in coastal locations but also occur inland, including picnicking, bicycling, walking, jogging and camping.~~

Coastal Zone. The land and water area within the County extending seaward to the State's outer limit of jurisdiction, including all offshore islands, and extending inland to the boundary shown on the official Coastal Zone Maps, as amended from time to time.

Cogeneration. The sequential use of energy for the production of electrical and useful thermal energy, as provided by Public Resources Code 25134.

Commercial Entertainment - Indoor. A facility accommodating and/or providing indoor amusement and recreation activities for a fee or admission charge. Examples of this land use include the following:

bowling alleys

electronic game arcades (video games, pinball, etc.)

card rooms	ice skating and roller skating
coin operated amusement arcades	internet cafes
dance halls, clubs and ballrooms	pool and billiard rooms as principle uses

This use does not include adult oriented businesses, which are separately defined and regulated in County Code Chapter 35, Article XIII. Does not include theaters, which are separately defined ("Theater"). May also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants.

Commercial Entertainment - Outdoor. A facility accommodating and/or providing outdoor amusement and recreational activities for a fee or admission charge. Examples of this land use include the following:

amusement and theme parks	golf driving range
go-cart tracks	water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. See also "Outdoor Festival."

Commercial Livestock Feed Yard. A place where livestock are confined for feeding prior to commercial sale or slaughter, where the number of livestock exceeds the normal carrying capacity of the combined carrying and feeding capacity of the property.

Commercial Vehicle. A vehicle or article of equipment used primarily in conjunction with a business or industrial use, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in residential or agricultural districts.

Community Apartment. A development of real property in which an undivided interest in land is coupled with the right of exclusive occupancy of a designated apartment located thereon and therein.

Community Care Facility. Any facility, place or building that is licensed by the State and is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for adults, children, or adults and children, including the physically handicapped, mental impaired, incompetent persons, and abused or neglected children.

Community Center. A public meeting place where members of a community may gather for cultural, public information, social, recreational, and other purposes. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

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

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

Comprehensive Plan. The Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and all Community or Area Plans, as it may be amended by the Board of Supervisors from time to time.

Concrete, Gypsum, and Plaster Product Manufacturing. An establishment that produces bulk concrete, concrete building block, brick, and/or other types of pre-cast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."

Conditional Use. A use that requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the proposed site location with respect to surroundings, streets and existing improvements or demands upon public facilities. The additional control is to ensure that the particular use on the particular proposed site is compatible with other existing or permitted uses surrounding the site.

Condominium. As defined by Civil Code Section 1351, a development where undivided interest in common in a portion of real property is coupled with a separate interest in an individual unit, the boundaries of which are described on a recorded Final Map or Parcel Map.

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

Conjunctive Use. The joint siting and use of property, structures, and/or parking for two or more non-residential land uses, where the hours of operation and demand for parking or services are such that efficiency and economy in services and land use is achieved. Typically the site is designed, and the days and hours of operation of the individual uses are collaboratively scheduled, so that a single site can serve more than one use.

Conservation or Open Space Easement. A nonpossessory interest in real property imposing limitations or affirmative obligations for the purpose of conserving, protecting, or retaining the open space values of the real property; ensuring its availability for agricultural, forest, recreational, or open space use; or protecting natural resources.

Contiguous. See "abut."

Contractor Equipment Storage Yard. Indoor or outdoor facilities operated by, or on behalf of a licensed contractor for the storage of equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of the contractor's own equipment; and buildings or structures for uses including equipment repair. Includes building contractors, landscape contractors, sign contractors, etc. Does not include office-only facilities that are not located on the same site as storage and/or maintenance facilities, which are instead included under the definition of "Office - Business/Service." Does not include junk yards.

Convenience Store. A retail establishment offering for sale prepackaged food products, household items, and other goods.

Cosmetic and Pharmaceutical Manufacturing. The manufacturing and assembling, of cosmetics, soaps (not including refining or rendering of fats or oils), pharmaceuticals, toiletries, and similar products.

Cottage Food Employee. An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

Cottage Food Operation. A commercial enterprise conducted within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.

Cottage Food Operator. An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

Cottage Food Products. Nonpotentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

Country Club, Swim and Tennis Club. A private membership recreational facility that may include swim and tennis facilities, fitness facilities, a restaurant, and related facilities. A country club may also be part of, or adjacent to a golf course.

County. The County of Santa Barbara, State of California. For the purposes of this Development Code, "County" includes the Santa Barbara County Board of Supervisors, Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of Santa Barbara County.

Court. An open area other than a yard on the same lot with a building or buildings that is bounded on two or more sides by the building or buildings.

Creek Channel, Natural. A water course that has not been altered by human activity. Appears as a solid or dashed blue line on a USGS 7½-minute or 15-minute quadrangle map.

Creek, Top of Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

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

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

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

- 1. Limited Slope.** For the purposes of the MT-GOL and MT-TORO zones, "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means that the listed new or expanded agricultural activities occur on slopes of 40 percent or less, or on slopes greater than 40 percent where the cumulative area of disturbance (pre-existing and proposed) totals five acres or less.
- 2. Steep Slope.** For the purposes of the MT-GOL and MT-TORO zones, "Cultivated Agriculture, Orchard, Vineyard - Steep Slope" means that the listed new or expanded agricultural activities occur on slopes greater than 40 percent, where the cumulative area of disturbance (pre-existing and proposed) exceeds five acres.
- 3. Historic Legal Use.** "Cultivated Agriculture, Orchard, Vineyard - Historic Legal Use" means that there is evidence of a permitted or legal nonconforming use on the site within the previous 10-year period.

D. Definitions, "D."

Dairy. A commercial operation where three or more cows or goats are maintained to produce milk or other dairy products for sale.

Day Care. Facilities that provide non-medical care and supervision of adults or minor children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual for periods of less than 24 hours. These facilities include the following which may be required to be licensed by the County or the State unless they are able to operate legally without a license in compliance with County and State laws.

1. **Day Care Center.** A commercial or non-profit facility designed and approved to accommodate 15 or more adults or children. Includes facilities providing overnight care, providing that said care is for periods of less than twenty-four hours per day. A day care center may be operated in conjunction with a school or church facility, or as an independent land use. The owner or operator of a residential day care center is not required to reside at the day care center.
 - a. **Non-residential.** A day care center where group care is provided in a structure not used as a dwelling unit.
 - b. **Non-residential, Accessory.** A day care center that is within or on the site of another use and provides day care services for occupants of the other use.
 - c. **Residential.** A day care center where group care is provided in a dwelling for 15 or more adults or children, including adults or children who reside at the dwelling.
2. **Family Day Care Home.** A one-family dwelling whose regular and permanent occupant(s) provides, on a regular basis care, protection, and supervision for 14 or fewer adults or children for periods of less than 24 hours per day while the parents or guardians are away. Family day care homes shall be classified as follows:
 - a. **Large Family Day Care Home.** A day care facility that provides family day care for seven to 14 adults or children, inclusive, including children under the age of 10 years who reside in the dwelling.
 - b. **Small Family Day Care Home.** A day care facility in a one-family dwelling where an occupant of the residence provides family day care for six or fewer adults, or eight or fewer children, including children under the age of 10 years who reside in the dwelling.

Debris Flow. A saturated mass of loose particles, including rock, earth, and other debris, that travels down a slope and often into creek and/or stream channels.

Defensible Space. An area surrounding a building or structure where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment of fuel modification measures. Defensible space is required in State and Local Responsibility Areas as defined by the County Fire Department. The area of required defensible space around all buildings and structures is as required by the County Fire Department Defensible Space Standards.

Delicatessens. A retail business primarily selling foods that are already prepared or require little preparation for serving, such as cheeses, cooked meats, and salads.

Density. The maximum number of dwelling units permitted per specified area of land.

Density Bonus. Refers to the State mandated Density Bonus Program (Government Code Section 65915 et seq.) that entitles qualified housing projects to a density increase and at least one development incentive.

Department. The Santa Barbara County Planning and Development Department, referred to in this Development Code as the "Department."

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

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Determination, Use. An action by the Commission determining and/or finding that a use not identified as an permitted use in a specific zone is similar in nature and/or character to the other permitted uses in that zone and is not more injurious to the health, safety, or welfare of the neighborhood because of noise, odor, dust, vibration, traffic congestion, danger to life and property, or other similar causes, and is therefore also considered a permitted use.

Development. ~~The definition of "Development" differs within the Coastal Zone and Inland, as follows:~~

- ~~1. **Coastal Zone.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.), and any other division of land, except where the land division is in connection with the purchase of the land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg Nejedly Forest Practice Act of 1973 (commencing with Section 4511). Also includes a change in the land use of a site and/or the change in the intensity of an existing land use, and Lot Line Adjustments.~~
- ~~2. **Inland area.** A change made by a person to unimproved or improved real property, including the placement, the moving, construction, reconstruction, enlarging, demolition, or alteration of buildings or structures, landscaping improvements, mining excavation, or drilling operations. Agricultural improvements as defined are not considered as development within this Development Code.~~

Development Code. The Santa Barbara County Land Use & Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code.

Dining Commons. A facility accessory to a residence hall and used primarily for preparing and serving food to residence hall occupants and which excludes service to the general public.

Director. The Director of the Santa Barbara County Planning and Development Department, including designees of the Director, referred to in this Development Code as "the Director."

Direct Sale. A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

Distillation Column or Tower. A tall, cylindrical vessel in which a liquid or vapor mixture of two or more substances is separated into its component fractions of desired purity, by the application and removal of heat.

Drainage Channel. A channel, either natural or manmade, that conveys water.

Drive-through Facility. A facility where customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then leave the premises. Includes banks (motor banks, drive-through banks, drive-up banks), fast food establishments, and film deposit and pickup establishments. Does not include drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service, or gas stations.

Driveway.

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

Driving Range. See "Golf Driving Range."

Duplex. See "Dwelling, Two-Family."

Dwelling. A room or group of rooms with interior access between all habitable rooms, including permanent provisions for living, sleeping, eating, cooking, bathing and sanitary facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by a family on a non-transient basis and having not more than one kitchen. Boarding or rooming houses, dormitories, and hotels are not dwellings.

Dwelling, Multiple. A building or portion of a building, designed for and occupied exclusively by three or more families, and containing three or more dwellings. Includes triplexes, apartment houses, apartment hotels, condominiums, community apartment projects, flats, rowhouses, and townhouses, but does not include organizational houses, trailer courts or camps, motels, hotels or resort type hotels.

Dwelling, One-Family. A building designed for and occupied exclusively by one family and containing one dwelling. Also known as a Single Family Dwelling.

Dwelling, Two-family. A building designed for and occupied exclusively by two families, and containing two dwellings.

E. Definitions, "E."

Eastern Goleta Valley Community Plan Area. That portion of the County located within the boundaries of the Eastern Goleta Valley Community Plan as shown on the map titled Eastern Goleta Valley Community Plan Land Use Designations.

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

Electrical Substation, Major. A substation that receives and transmits electric energy directly from a generating source, the primary purpose of which is to receive the energy at its transmission voltage from the generator, and to transform the energy by lowering the voltage.

Electrical Substation, Minor. A substation that receives electric energy from transmission or distribution lines at voltages below the generation voltage, and transmits the energy at voltages suitable for domestic and non-residential consumers.

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

Electronics Assembly. Assembly of:

electrical appliances	phonographs
electronic instruments and devices	televisions
radios	

Includes the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, transistors, capacitors, resistors, etc.

Electronics Equipment Manufacturing. An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

aviation instruments	motors and generators
computers, computer components, peripherals	optical instruments and lenses
electrical transmission and distribution, equipment	photographic equipment and supplies
electrical welding apparatus	radio and television receiving equipment
electronic components and accessories, semiconductors, integrated circuits, related devices	scientific instruments and equipment
industrial controls	storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
instruments for measurement, testing, analysis and control, associated sensors, and accessories	surgical, medical and dental instruments, equipment, and supplies
lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting	surveying and drafting instruments
miscellaneous electrical machinery, equipment and supplies, including batteries, X-ray apparatus and tubes, electro-medical and electrotherapeutic apparatus, electrical equipment for internal combustion engines	telephone and telegraph apparatus
	transformers, switch gear and switchboards
	watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. The definition extends to efforts by a public agency or utility performing a public service to restore, repair or maintain public works, utilities or services which have been destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency.

Emergency Shelter. A permanent supervised shelter or halfway house that provides temporary accommodations, up to 30 consecutive days and 90 days within a 12 month period, to individuals who have lost a permanent residence.

Employee-Serving Retail. Small-scale retail uses located in stores, shops, or establishments supplying commodities intended to meet the day-to-day needs of industrial research park employees in the vicinity.

Energy Facility. A public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy. The following definitions apply only to those facilities subject to [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#).

1. **Abandoned (or Abandonment).** The discontinuance of a permitted land use, or any independent business function of a permitted land use, and there is no evidence of a clear intent on the part of the owner to restart operations of the permitted land use, or the independent business function of a permitted land use.
2. **Idled (or Idle).** A permitted land use or an independent business function of a permitted land use has had a zero throughput (enter and exit) for a period of one continuous year.
3. **Natural Conditions.** The reasonable and feasible return of land to a state that reflects the natural environment of the area without development. Retention of certain improvements or other items including pipeline support footings would qualify as natural conditions if their removal would result in undesired environmental outcomes such as destabilization of slopes due to removal of a retaining wall. Natural conditions do not necessarily equate to original or pre-development conditions.
4. **Permitted Land Use.** Any land use, facility, activity, or site subject to [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#).

- 5. Reclamation.** As used in [Chapter 35.56 \(Oil/Gas Land Uses - Abandonment and Removal Procedures\)](#) of this Development Code, reclamation shall mean conversion of a host site to natural conditions, or other conditions, in compliance with applicable laws and permits, including remediation of contamination, contouring of topography, re-vegetation and landscaping.

Environmental Review.

- ~~1. **Coastal Zone.** The analysis of the potential environmental effects that may result from development, performed in compliance with the provisions of the applicable zone and development standards of the certified Local Coastal Program, the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.)~~
- ~~2. **Inland Area.** The analysis of the potential environmental effects that may result from development, performed in compliance with the California Environmental Quality Act (Public Resources Code Sec. 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (Public Resources Code Sec. 15000 et seq.) and the County of Santa Barbara Environmental Thresholds and Guidelines Manual.~~

Environmentally Sensitive Habitat Area. An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could be easily disturbed or degraded by human activities and developments.

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

boarding stables
horse exhibition facilities
riding schools and academies

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

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

Existing Developed Rural Neighborhood. An area shown on the Comprehensive Plan maps within which development has occurred historically with lots smaller than those found in the surrounding Rural or Inner Rural Areas.

Explosive. A substance defined as an explosive by California Health and Safety Code Sections 12000, et seq., and for which a permit is required by the Health and Safety Code.

Explosives, Fireworks, and Ordinance Manufacturing. The commercial manufacturing and storage of all types of explosives, including blasting powder and blasting caps, dynamite, petards, fireworks, gunpowder, high explosives, and the manufacture of conventional explosives for weapons use (including ammunition, bombs, missile warheads, etc.).

F. Definitions, "F."

Façade. That portion of any exterior elevation of a structure extending from grade to the eaves or the top of the parapet wall and the entire width of the structure elevation.

Fairgrounds. An area of land where a fair or exhibition is held.

Family. One or more persons occupying premises and living as a single housekeeping unit not operated for profit, as distinguished from two or more persons occupying a boarding or lodging house, hotel, club, or similar structure used for residential purposes. A family shall not include a fraternal, religious, social, or business organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the

State that serves six or fewer clients.

Family Day Care. See "Day Care."

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmers' Market. See "Certified Farmers' Market."

Farm Labor Camp. One or more structures used as a dwelling for five or more farm employees who are engaged full-time in agriculture either on or off the site where the structure is located.

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

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

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Truck, Trailer, Construction, Farm, and Heavy Equipment Sales/Rental."

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.42.135 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Feed Distribution. The storage and dispersal of animal feed for the purpose of supporting the primary onsite animal raising activities.

Feedstock. Any decomposable material used as a basis for the manufacture of compost.

Fertilizer Plant. A manufacturing facility where chemical fertilizers are manufactured and packaged, and/or where animal fertilizers are collected, processed and packaged.

Fill

1. A deposit of earth, sand, gravel, rock or any other suitable materials placed by artificial means; any act by which earth, sand, gravel, rock or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.
2. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, as measured in a vertical plane.

Fire Protection Plan. A written plan that identifies the fire risk associated with a project and develops requirements for fire protection including but not limited to water supply, defensible space, fuel modification and vegetation management, emergency ingress and egress, access, special event parking, and resident and visitor safety.

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

First Public Road Paralleling the Sea. The nearest road to the sea that is dedicated for public use to a public agency, and is in fact improved and suitable for public use. In the event a public road does not connect with other public roads, the first public road paralleling the sea shall mean the first public road that in fact connects with other public roads providing a continuous public access system paralleling the shoreline.

Fish Cannery. Manufacturing establishment producing or processing fish products.

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

Fitness/Health Facility. A commercial fitness center, gymnasium, health and athletic club, which may include any of the following: climbing rocks (which may be outdoors), sauna, spa or hot tub facilities; swimming pools; indoor or outdoor handball, racquetball, tennis, volleyball, and other sport court activities; weight rooms; outdoor volleyball courts.

Fitness/Health Facility, Accessory. A fitness/health facility restricted to the employees of the principle use.

Flare Stack. A tall, specially constructed vertical pipe or stack used to safely dispose of hydrocarbon vapors or, in an emergency, to dispose of process feed.

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

Flood Plain. Any land area susceptible to being inundated by water from any source, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floodway. The channel of a stream, plus any adjacent flood plain area, that must be kept free of encroachment so that the 100-year flood will be accommodated without substantial increase in flood height, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to one foot, provided that hazardous velocities are not produced.

Floodway Fringe. The area between the floodway and the boundary of the 100-year flood, and which encompasses the portion of the flood plain that could be completely obstructed without increasing the water-surface elevation of the 100-year flood more than one foot at any point, as defined within County Code Chapter 15A (Flood Plain Management) which may be amended from time to time.

Floor Area, Gross. The area included within the surrounding exterior walls of all floors or levels of a building or portion thereof, exclusive of vent shafts and unroofed courtyards, as measured to the interior

surfaces of exterior walls, or from the centerline of a common or party wall separating two buildings, and including:

1. Corridors and halls;
2. Stairways;
3. Elevator shafts;
4. Closets, storage, service, utility and mechanical equipment rooms;
5. Attached garages;
6. Open or roofed porches, balconies, or porticos;
7. Roofed arcades, plazas, courts, walkways, or breezeways;
8. Permanently roofed and either partially enclosed or unenclosed, building features used for sales, service, display, storage or similar uses;
9. Basements, cellars or attic areas where the floor to ceiling height is six feet or greater and that are deemed usable by the Building Official; and
10. In residential zones, additionally all roofed porches, arcades balconies, porticos, breezeways or similar features when located above the ground floor.

The gross floor area of a structure that lacks walls shall be the area of all floors or levels included under the roofed or covered area of the structure.

Floor Area, Net. The gross floor area excluding shafts, stairways, corridors and halls, unusable attics, and unenclosed porches and balconies.

Floor Area, Net - Commercial - Summerland. The gross floor area excluding shafts, stairways, unusable attics, unenclosed porches and balconies, and any areas with a ceiling height of less than five feet above finished floor.

Floor Area, Net - Residential - Summerland. The total floor area of all floors of a primary residence on a residential lot or on a lot devoted to a residential use as measured to the interior surfaces of exterior walls, or from the centerline of a common or party wall separating two structures, excluding any areas with a ceiling height of less than five feet above finished floor, unenclosed porches, balconies and decks. Interior stairs shall be counted on only one floor.

Floor Area Ratio (FAR) - Summerland. A measurement of development intensity represented by the quotient of the Net Floor Area of a structure divided by the Net Lot Area.

Floor Below Grade - Summerland. A floor wholly or partially below grade.

Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of this land use include the following:

bottling plants	dairy products manufacturing
breweries	fruit and vegetable canning, preserving, and related processing
candy, sugar, confectionery products manufacturing	grain mill products and by-products
catering services separate from stores or restaurants	miscellaneous food item preparation from raw products
coffee roasting	soft drink production

Does not include: bakeries, which are separately defined; manufacturing of fish, meat, sauerkraut, vinegar, yeast; or refining of fats and oils.

Foundry. A facility that produces cast-metal products.

Fraction Lot. A lot created as a result of an instrument of conveyance, in which the lot is not separately conveyed as a distinctly described parcel. Fraction lots are identified by overlaying separate legal descriptions of real property within an area of land and then making reference to the cumulative boundary lines to describe parcels derived by their intersections. Fraction lots do not include remainder lots, which

result from the conveyance of a separate and distinct legal description of real property, where the described property is conveyed to a new owner and the remainder portion is retained by the seller.

Freeway. A defined by the Comprehensive Plan, a four or six lane divided arterial highway with full control of access and with grade separations at intersections. As the highest type of road facility, Freeways provide maximum service and safety for through traffic. Freeways serve as the principal arterials of the inter- and intra-state system of highways, carrying traffic between cities, traffic generators and points of interest.

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

freight forwarding services	overnight mail processing and deliver dispatch
freight terminal facilities	facilities
home and business moving and storage services	packing, crating, inspection and weighing services
joint terminal and service facilities	postal service bulk mailing distribution centers

Does not include "U-haul" operations which are defined under Truck, Trailer, Construction, Farm, Heavy Equipment Sales/Rental.

Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be "front lines." When the street side boundary lines of a corner lot, are of equal or of substantially equal lengths, the front line shall be the line located on the principal (more heavily trafficked) street.

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

Fuel Modification. An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration. Fuel modification includes ongoing requirements for removal of dead vegetation, litter, vegetation that might grow into overhead power lines, certain ground and ladder fuels, and limbing of live trees.

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

Furniture and Fixtures Manufacturing, Cabinet Shop. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture repair and re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Product Manufacturing."

Furniture, Furnishings, and Appliance/Equipment Stores. A store that primarily sells the following products and related services, that may also provide incidental repair services:

computers and computer equipment	musical instruments
draperies	office furniture
floor coverings	other household electrical and gas appliances
furniture	outdoor furniture
glass and chinaware	pool tables
home appliances	refrigerators
home furnishings	spas; hot tubs; swimming pools; and related supplies
home sound systems	stoves
interior decorating materials and services	televisions

G. Definitions, "G."

Garage, Private. A building or portion thereof used or designed to be used as an accessory building for the storage of motor vehicles for use by the occupants of the same site.

Garage, Public. A building or portion thereof, except a private garage, used or designed to be used for storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

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

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

antique stores	hobby materials
art galleries, retail	jewelry
art supplies, including picture framing services	luggage and leather goods
artisan shop	musical instruments, parts and accessories
bicycles	orthopedic supplies
books, magazines, and newspapers	records, CDs
cameras and photographic supplies	religious goods
clothing, shoes, and accessories	small wares
collectibles (cards, coins, comics, stamps, etc)	specialty shops
department stores	sporting goods and equipment
dry goods	stationery
fabrics and sewing supplies	toys and games
florists and houseplant stores (indoor sales only- outdoor sales are "Building and Landscape Materials Sales")	variety stores
hardware (not including building or landscape materials)	videos, DVDs, including rental

Does not include adult oriented businesses, which are separately defined and regulated under Article VIII (Sexually Oriented Business Regulations) of County Code Chapter 35.

Generator. See "Hazardous Waste."

Generator Permit. See "Hazardous Waste."

Glide Path Ratio. A ratio that relates the height of aircraft above a point on the ground to the distance of that point to the nearest end of the runway.

Goleta Community Plan Area. That portion of the County located within the boundaries of the Goleta Community Plan as shown on the maps titled Goleta Community Plan Land Use Designations South and Goleta Community Plan Land Use Designations North, including the western area but excluding the Eastern Goleta Valley Community Plan area.

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

Golf Driving Range. An area designated for hitting golf balls for practice drives. This activity is included under the definition of "Golf Course" if part of a golf course, and under the definition of "Commercial Entertainment - Outdoor" if not part of a golf course.

Government Code. The Government Code of the State of California.

Grade, Existing. The existing condition of the ground elevation of the surface of a building site at the time or permit application, including Board of Architectural Review applications, that represent either (1) the natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation,

including grading approved in conjunction with the subdivision of the site.

Grade, Finished. The level of the finished surface of the site that results from any permitted grading activities, including cut and fill of existing slopes associated with specific permit applications.

Grading. Any excavation or filling of earth or combination thereof.

Grazing. To put livestock out to feed.

Greenhouse. A structure, including a hothouse, used for the indoor propagation of plants that has permanent structural elements (e.g. footings, foundations) that is typically constructed with a translucent roof or walls, and may have utility facilities (e.g., electrical, natural gas, plumbing).

~~**Greenhouse Related Development – Coastal Zone.** Permanent development associated with and accessory to greenhouses, shade structures, and hoop structures. Greenhouse related development includes packing and shipping facilities, paved parking and driveways, and associated accessory structures (e.g., boiler rooms, storage sheds).~~

Grocery and Specialty Food Store. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store; however, areas for the on-premises sale and consumption of both packaged food products and specially prepared food items such as salads and sandwiches are allowed. Includes delicatessens, and retail bakeries; where any onsite baking is only for onsite sales.

Groundwater. Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

Guesthouse. Detached living quarters of a permanent type of construction without kitchen or cooking facilities, used primarily for temporary guests of the occupants of the principal building on the lot, and not rented or otherwise used as a separate dwelling.

Guest Ranch. See "Lodging."

H. Definitions, "H."

Habitable. Space within a building that is suitable for living, sleeping, eating, cooking and which may or may not be conditioned (e.g., heated, cooled).

Habitable Room. A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

Handcraft Industry, Small-Scale Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, musical instruments, novelties, pottery and other ceramics, toys, as well as small glass and metal art and craft products.

Hazardous Waste. A waste, or combination of wastes, which because of quantity, concentration or physical, and chemical characteristics may either a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes the materials described in California Code of Regulations Title 22, Division 4.5, Chapter 11.

1. Business Plan. The plan that a business with specified quantities of hazardous materials (including wastes) must prepare in compliance with Health and Safety Code Chapter 6.95. The business plan must include an inventory of hazardous materials onsite, an emergency response plan and employee training procedures.

2. **Generator.** The person, business or facility who by nature or ownership, management or control is responsible for causing or allowing to be caused the creation of hazardous waste.
3. **Generator Permit.** The annual permit to operate which all generators of hazardous waste must obtain from the County. Through the generator permit program, the County ensures that generators of hazardous waste store, treat, transport and dispose of hazardous waste in accordance with state and federal laws.
4. **Hazardous Waste Management Plan.** The plan prepared in compliance with California Health and Safety Code Section 25135 by counties and certain regions to direct the management of hazardous wastes within the boundaries of the affected jurisdiction.
5. **Hazardous Waste Element.** The Hazardous Waste Management Plan, adopted as an Element of the Comprehensive Plan.
6. **Waste Minimization.** The reduction, to the maximum extent feasible, of hazardous waste that is generated or subsequently stored, treated or disposed. Waste minimization is a reduction in the total volume or quantity of hazardous waste, and minimizes the present and future threats to human health and the environment. As used in the Hazardous Waste Management Plan and this Development Code, waste minimization includes source reduction, recycling and onsite treatment of hazardous wastes.

Hazardous Waste Management Facility, Offsite. A facility that accepts hazardous wastes from more than one generator, including the following:

1. **Storage Facility.** A hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an offsite facility or for periods greater than 90 days at an onsite facility, with specified exceptions. (California Health and Safety Code, Section 25123.3.).
2. **Transfer Station.** A facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment recycling, and/or disposal facility or facilities.
3. **Treatment Facility.** A facility where the toxicity, chemical form, and/or volume of a hazardous waste is altered.
4. **Recycling Facility.** A facility engaged in the process of reclaiming, using or reusing hazardous waste.
5. **Residual Repository.** A disposal facility for the long-term storage of the byproducts of treated hazardous waste for which there is no further practical treatment.

Hazardous Waste Management Facility, Onsite. A facility that stores, treats, recycles, and/or disposes of hazardous waste generated only within the facility's boundaries.

Health Club, Spa. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; swimming pools; handball, racquetball, tennis, volleyball, and other sport court activities; weight rooms.

Health and Safety Code. The California Health and Safety Code.

Height Limit. The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade (see [Section 35.30.090 \(Height Measurement, Exceptions and Limitations\)](#)).

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

Highway. See "Street."

Highway 101 Corridor. Any property shown on the Zoning Map (within 500 feet of the centerline of Highway 101 at time of adoption) in the area between the Ventura County line and Eagle Canyon.

Hillside. Land with slopes exceeding 20 percent.

Historical Park. An area designated by the county, state or federal government within which the

buildings, structures, appurtenances or places are of basic and vital importance because of their association with history, or because of their unique architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives and purposes, see [Section 35.42.180 \(Historical Parks\)](#).

Hog Ranch. A site used for the raising or keeping of more than six hogs.

Home Occupation. A commercial activity conducted entirely within the dwelling portion of a dwelling by residents of the dwelling, or conducted entirely within an artist studio by a person residing in a dwelling on the same lot.

Homestay. See "Lodging."

Hoop Structure. A structure consisting of a light-weight, frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) and an impermeable, removable covering used to protect plants grown in the soil or in containers upon the soil. Includes structures commonly known as berry hoops and hoop houses.

Hospital. See "Medical Services - Hospital."

Hostel. See "Lodging."

Hotel. See "Lodging."

Hotel, Resort. See "Lodging."

Household, or Housekeeping Unit. A person or group of persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Household Pet. Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats and dogs, fish, rabbits, rodents and snakes, but do not include horses, mules, goats, cows, hogs, or other similar size animals, or roosters or peacocks.

Human Habitation. The occasional, temporary or permanent use of a building, trailer or any motor vehicle for eating and/or sleeping quarters for any person.

Hydraulic Fracturing. A well stimulation technique that consists of pumping an engineered fluid with a propping agent such as sand down the wellbore under pressure to create fractures in a targeted formation.

I. Definitions, "I."

Illegal Sign. A sign that includes any of the following:

1. A sign installed without complying with all regulations in effect at the time of its construction or use.
2. A sign installed or maintained contrary to any applicable provision of [Chapter 35.38 \(Sign Standards\)](#), including a sign that was not removed at the end of an applicable amortization period.
3. A sign which is a danger to the public or is unsafe.
4. A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the County.

Improvement. An object affixed to or growing in the ground other than a structure.

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

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

Indirect sale. An interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to California Health and Safety Code Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Inhabited Area. Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis.

In-home Retail Sales. A type of direct sales occurring within a dwelling in which sellers operate either from their primary residence or the homes of customers.

Inland Area. All portions of the land area of Santa Barbara County located outside of the Coastal Zone.

~~**Inland Extent of Beach.** The point where a sandy beach area terminates at the base of a coastal bluff, at the edge of continuous ground covering vegetation, or continuous pavement beyond which are soil types that are not predominantly sand.~~

Inner Rural Area. An area shown on the Comprehensive Plan maps within which development is limited to rural uses such as agriculture and its accessory uses, mineral extraction and its accessory uses, recreation (public or private), ranchette development, and uses of a public or quasi-public nature.

Interior Access. Unobstructed, enclosed passageways with conditioned air systems connecting habitable rooms, which are not blocked by doors that are fixed in a closed position or are capable of being fixed in a closed position by a one-way deadbolt or similar device. Access through sleeping rooms, bathrooms and garages is not considered interior access.

Isosceles Trapezoid. A quadrilateral having only two parallel sides, the two non-parallel sides being equal in length.

J. Definitions, "J."

Junk Yard. In a non-residential zone, the use of an aggregate area of 200 square feet or more for the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale. In a residential zone, the area that may be used for the storage of junk and other listed materials may not exceed 100 square feet. See County Code Chapter 19 (Junk Yard and Dumps) for definitions of "dump" and "auto wrecking yard" and the applicable permit requirements.

K. Definitions, "K."

Kennel, Animal Boarding. A facility for the grooming, keeping, boarding or maintaining of four or more dogs, six months of age or older. See also "Veterinary Clinic, Animal Hospital."

1. **Kennel, Commercial.** A kennel as defined above which may include boarding facilities, where the dogs are for other than private enjoyment of the occupants of the premises, and where boarding services are offered to the public.
2. **Kennel, Private.** A kennel as defined above where the dogs are kept for the private enjoyment of the

occupants of the premises.

Kill Floor. An area within an agricultural building or structure where livestock raised on the premises are slaughtered, packed, or wrapped on a commercial basis, but not including processing beyond the raw state.

Kitchen. A room, all or any part of which is designed, built, equipped, maintained, used, or intended to be used for the preparation and cooking of food.

L. Definitions, "L."

Laboratory - Medical, Analytical, Research and Development. A facility for testing and analysis, and/or research. Examples of this use include clinical laboratories, soils and materials testing labs, forensic labs, and experimental photo or motion picture film labs. See also "Research and Development."

Land Use Element. The Land Use Element of the Santa Barbara County Comprehensive Plan, as it may be amended from time to time.

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

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

Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Library. A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints and audio materials are kept for reading, reference, or lending.

Lighting. The method or equipment used to provide artificial illumination as used in Section 35.30.120 (Outdoor Lighting) of this Development Code. Types of lighting include the following:

1. **Downward Directional Light.** Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed. Downward lighting also prevents unnecessary and unwanted spillover of light to adjacent areas and properties.
2. **Fossil Fuel Light.** Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels, for example: gas, propane and kerosene lighting.
3. **High Intensity Discharge Lamp.** High pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.
4. **Luminous Tube Light.** Gas filled glass tubing which when subjected to high voltage becomes luminescent in a color characteristic of the gas used (neon, argon, etc.).
5. **Outdoor Light Fixture.** Artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, exterior to or in the absence of a structure, used for flood lighting, general illumination or advertisement. Such devices include outdoor lighting for:

Billboards and other signs

Buildings and structures

Landscape lighting

Parking lots

Sports and Outdoor Recreational facilities

Street lighting

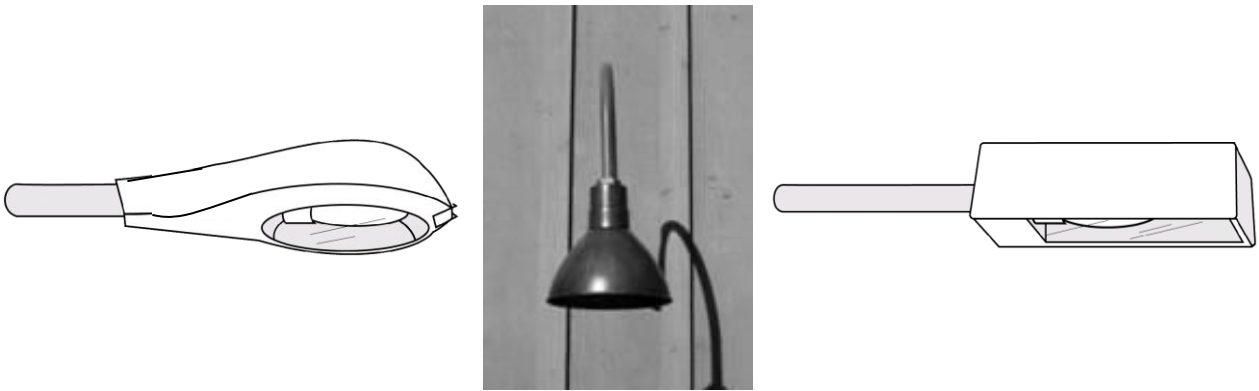
Walkway lighting

Light Pollution. Artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or light trespass.

Light Shielding. A barrier around a light fixture that conceals or partially conceals the lamp and controls light distribution. Types of light shielding include the following:

1. **Fully Shielded (full cutoff).** Outdoor light fixtures with a solid barrier that emit no light rays above the horizontal plane and effectively obscure the visibility of a lamp.

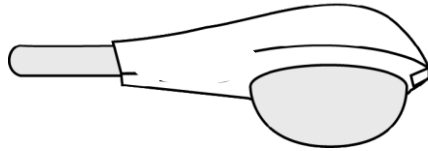
Fully Shielded (full cutoff) Light Fixtures



2. **Partially Shielded Light.** An outdoor light fixture that may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.



3. **Unshielded Light.** An outdoor light fixture lacking means to restrict light emitted above the horizontal plane.



Light Trespass. Artificial light that produces unnecessary and/or unwanted illumination offsite including skyward or on a sensitive habitat.

Limbing. The process of pruning the lower branches of a live tree for fuel modification in defensible space, the vertical clearance of which as specified in the County Fire Department Defensible Space Standards.

Limited Concession Facility. Retail facilities that are clearly ancillary and incidental to a recreational use and that are customarily offered and available to the general public in connection with a recreational use (e.g., boat rentals, fishing supplies). May include snack bars and similar goods and services. Also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

Limited-equity Housing Cooperative. A corporation which meets the criteria of a stock cooperative as defined in this Article and which also meets the criteria of Section 33007.5 of the Health and Safety Code.

Live/work Unit. A room, or suite of rooms, that are internally connected and combine a commercial or low-intensity manufacturing activity with a residential living space for a resident owner or employee of the non-residential activity and that person's household, where the resident owner or employee is responsible for the commercial or low-intensity manufacturing activity performed.

Living Area. The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure.

Local Coastal Program. The County's (a) Coastal Land Use Plan, (b) Development Code, (c) Zoning Map, and (d) within sensitive coastal resource areas, other implementing actions, that when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act of 1976 within the County.

Lodging.

1. **Bed and Breakfast.** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable County health regulations.
2. **Boarding or Rooming House.** A residence or dwelling other than a hotel, where the business of keeping boarders is generally carried on and which is held out by the owner or keeper as a place where boarders are kept.
3. **Guest Ranch.** A vacation resort, generally a farm or ranch, that derives all or part of its income from the use of its facilities by paying visitors or guests, and provides food, lodging, and recreational activities.
4. **Homestay.** A residential structure, including portions thereof, rented for 30 consecutive days or less where the owner or long-term tenant of the property inhabits a legal dwelling on the same lot at the same time as the transient occupant. Additionally, the following terms are defined for the purposes of Section 35.42.193 (Homestay).
 - a. **Hosting Platform.** A marketplace which facilitates the consummation of Homestay agreements through advertising and from which, in whatever format, information is provided about or relating to a residential structure, including portions thereof, for occupancy as a Homestay.
 - b. **Long-term Tenant or Owner.** A person who occupies the property, who is the owner of the property or who rents the property for six months or more.

- c. **Visitor.** A person who enters the property on which a Homestay is located for the purpose of visiting, seeing or communicating with the transient occupant of the Homestay.
5. **Hostel.** Overnight sleeping accommodations that provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.
6. **Hotel.** A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.
7. **Motel.** A transient lodging establishment containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through a main lobby.
8. **Resort Hotel.** A hotel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.
9. **Short-Term Rental.** A structure which is rented for overnight lodging, in whole or in part and with or without the presence onsite of the owner or representative of the owner, for 30 consecutive days or less.

Los Alamos Community Plan Area. That portion of the County located within the boundaries of the Los Alamos Community Plan as shown on the Los Alamos Community Plan Land Use Map.

Lot. An existing area of land under one ownership that was lawfully created as required by the Subdivision Map Act and predecessor ordinances and statutes, and local ordinances, that can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. A lot also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been recorded and the boundaries of which have not subsequently been altered by merger or further subdivision. ~~Within the Coastal Zone:~~

- ~~1. For the purposes of this definition, "lawfully created" includes as required by the California Coastal Act, certified Local Coastal Program.~~
- ~~2. A Coastal Development Permit shall be required to have been issued for the lot that is the subject of the Certificate of Compliance or Conditional Certificate of Compliance if the Certificate of Compliance or Conditional Certificate of Compliance is recorded after the effective date of the Coastal Act or its predecessor initiative (unless the lot was created prior to the effective date of the Coastal Act or its predecessor initiative in compliance with the Subdivision Map Act and predecessor ordinances and statutes and local ordinances).~~

Lot, Corner. A lot situated at the intersection of two or more streets or bounded on two or more adjacent sides by street lines.

Lot, Flag. See "Lot, Interior."

Lot, Interior. A lot that (1) has no street frontage or (2) the street frontage is less than 40 feet in width and the lot was not created by a subdivision resulting in five or more lots.

Lot, Key. A lot the side line of which abuts the rear line of one or more adjoining lots.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Area, Gross. The area included within the boundaries of the lot as described in the latest recorded deed to the lot or as shown on the recorded lot or subdivision map creating the lot, inclusive of any portion so described or mapped, lying within a public or private street, ~~but excluding any portion lying seaward of the mean high tide line.~~

Lot Area, Net. The gross lot area excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

Lot Depth. The average distance between the front or street line and the rear lot line or between the front

lot line and intersection of the two side lot lines if there should be no rear lot line.

Lot Frontage. The length of the front line measured at the street right-of-way line

Lot Line. The lines forming the boundaries of a lot that distinguish it from other lots.

Lot Width, Gross. The average distance between the side lot lines, measured at right angles to the lot depth, including any area lying within a public street which is defined as a permanently reserved right-of-way that has been dedicated to the County. **Exception:** Within the EX-1 zone gross lot width is the distance between the side lines of the lot measured at the front setback line of the primary dwelling, provided that as to a lot with no front setback line, lot width shall be the average distance between the side lines of the lot most nearly perpendicular to the nearest street, omitting easements or lot extensions necessary to gain access to the lot.

Lot Width, Net. The average distance between the side lot lines, measured at right angles to the lot depth, excluding any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the County.

Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:

- | | |
|--------------------------------|--------------------------------------|
| containers, pallets and skids | trusses and structural beams |
| manufactured and modular homes | turning and shaping of wood products |
| matches | wholesaling of basic wood products |
| milling operations | wood product assembly |

Does not include craft-type shops ("Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixtures Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").

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

M. Definitions, "M."

Maintenance Service, Client Site Services. Base facilities for various businesses that provide services on the premises of their clients.

Includes the following processes and products:

- | | |
|-------------|--|
| appliances | janitorial |
| computers | pest control |
| electronics | plumbing |
| elevators | water and smoke damage recovery and similar services |
| equipment | other maintenance and repair services not operating from |
| gardening | a retail establishment that sells products being |
| HVAC | maintained or repaired |
| instruments | |

When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use. When the base facilities for these services include service or storage yards, or fleet vehicle storage, they are instead classified under "Contractor's Equipment Storage Yard."

~~**Major Public Works Project and Major Energy Facility - Coastal Zone.** A public works project or energy facility exceeding \$50,000 in estimated cost of construction.~~

Manufactured Home. A structure constructed on or after June 15, 1976, that is certified under the National Manufactured Housing Construction and Safety Act of 1974, which is designed and equipped to be used as a single-family dwelling, with or without a permanent foundation, as defined in the California Health and Safety Code Section 18007.

Map Act. The California Subdivision Map Act, Division 2, Title 7 of the California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.

Marquee. A permanent roofed structure, not including an arcade, attached to and supported by the building and projecting over public property.

Mausoleum. A large stately tomb or a building housing such a tomb or several tombs.

Mean High Tide Line. The high water mark of the ocean, which is an ambulatory line varying over time as a result of climatic and other influences. The line is the normal or average inland extent of tidal influence.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.

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

Medical Services - Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (e.g., chiropractors, medical doctors, psychiatrists, physical therapists). These facilities may also include accessory medical laboratories, and limited fabrication activities as in the case of a dentist office or an optometrist. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. These facilities may also include accessory medical laboratories, and limited fabrication activities. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include onsite accessory clinics and laboratories, accessory retail uses and emergency heliports, and onsite ambulance dispatch facilities.

Medical Services - Laboratory. Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory - Analytical, Research and Development, Testing."

Meeting Facility, Public or Private. A facility for public or private meetings, including community

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

Meeting Facility, Religious. A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only in response to the specific requirements of a particular zone (~~i.e., AG I in the Coastal Zone allows religious meeting facilities but not clubs~~).

Meeting Room. A room within an organizational house that provides an area for the residents of the organizational house to conduct meetings.

Mello-Roos District. Districts that raise funds from property owners within a given area in order to provide public improvements in that area. Similar to assessment districts, their enabling legislation is the Mello-Roos Community Facilities Act of 1982, Government Code Section 55311 et seq.

Merchandise Manufacturing. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarns, and paint not employing a boiling process.

Metal Products Fabrication, Machine and Welding Shops. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

blacksmith and welding shops
 machine shops and boiler shops
 plating, stripping, and coating shops
 sheet metal shops

Mission Canyon Community Plan. That portion of the County located within the boundaries of the Mission Canyon Community Plan Area as shown on the adopted Mission Canyon Community Plan Land Use Map.

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

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth, including all of the following components. The following terms and phrases are defined for the purposes of [Section 35.82.160 \(Reclamation and Surface Mining Permits\)](#).
 - a. **Haul Road.** A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
 - b. **Idle.** To curtail for a period of 12 months or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (See SMARA, Section 2727.1)
 - c. **Mined Lands.** Includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from, or are used in, surface mining operations are located. Mined lands include all lands affected by a mining operation.

- d. **Minerals.** A naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including bituminous rock, but excluding coal, geothermal resources, natural gas, peat, and petroleum. (See State Regulations, Section 3501). For the purposes of this Development Code, minerals shall also include: decorative stone, diatomaceous earth, flagstone, gravel, limestone, rip-rap, sand, and shale.
- e. **Mining Waste.** The residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.
- f. **Operator.** A person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.
- g. **Overburden.** Rock, soil, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations. (See SMARA, Section 2732)
- h. **Reclamation.** The combined process of land treatment that minimizes air pollution, damage to aquatic or wildlife habitat, erosion, flooding, water degradation, and other adverse effects from mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures. (See SMARA, Section 2733)
- i. **Surface Mining Operations.** All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging, and quarrying, or surface work incidental to an underground mine. Surface mining operations include:
 - (1) In-place distillation, leaching, or retorting;
 - (2) The production and disposal of mining waste(s); and
 - (3) Prospecting and exploratory activities. (See SMARA, Section 2735)
 Surface mining operations also include the creation of borrow pits, segregation, streambed skimming, and the stockpiling and recovery of mined materials (and recovery of same). (See State Regulations, Section 3501)

2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

Mixed Use Development, Residential Component. Dwellings associated with mixed use project.

Mixed-Use Projects. The combination of residential, commercial and/or industrial uses on the same lot and/or in the same structure, where the residential component is located either above (vertical mixed-use) or behind (horizontal mixed-use) the nonresidential component. Nonresidential uses are typically commercial uses.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Mobile Home Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two dwelling units with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. For the purposes of this Development Code, a mobile home on a permanent foundation is considered a structure.

Mobile Home, Boat, or RV Sales and Repair. Retail establishments selling mobile home dwelling units, and/or various recreational vehicles and watercraft. Includes the sale of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

Mobile Home Park. An area or tract of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. A mobile home park may include community rooms and recreation areas for use by residents only.

Mobilehome Park Closure. When a mobilehome park owner or operator chooses to cease renting or leasing mobilehome lots for human habitation and this cessation of use would result in the displacement of mobilehome park residents or, when 25 percent or more of the mobilehome units or lots within a park become vacant and the Director determines that an unauthorized closure is underway pursuant to Section 35.89.080 (Vacancy of a Mobilehome Park of 25 Percent or More).

Mobilehome Owner. The record owner or any person having possession and control of the mobilehome.

Mobilehome Owner-approved Receiving Site. A site which has been agreed upon by both the applicant and the mobilehome owner as a mutually acceptable location to receive a relocated mobilehome.

Mobilehome Park Renters. Residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes.

Mobile Vendor. A commercial establishment that conducts business from a motor vehicle or stand not affixed to the ground.

Modular Home. A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled onsite and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.

Monastery. A residential facility operated by a religious organization that provides permanent or long-term housing for members of the organization, with group facilities for dining.

Montecito Community Plan. That portion of ~~the Coastal Zone~~ of the County located within the boundaries of the Montecito Community Plan area as shown on the Montecito Community Plan Land Use Map.

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation services (and a crematorium) may occur.

Motel. See "Lodging."

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

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

Motor Vehicle and Equipment Manufacture. Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").

Museum. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and

educational interpretation of objects having scientific, historical, or artistic value.

Music recording studio. A studio where audio materials are recorded.

N. Definitions, "N."

Natural Creek Channel. See "Creek Channel, Natural."

Night Club. A facility with the primary function of providing entertainment, examples of which include live music and/or dancing, comedy, etc., which may serve alcoholic beverages for onsite consumption. Does not include adult entertainment businesses, which are separately defined and regulated.

Noise Sensitive Use. Noise-sensitive land uses include:

1. Residential, including single and multifamily dwellings, mobile home parks, dormitories, and similar uses.
2. Transient lodging, including hotels, motels, and similar uses.
3. Hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care.
4. Public or private educational facilities, libraries, churches, and places of public assembly.

Non-agricultural structural development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is not restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property.

Nonconforming Lot. A lot the area, dimensions or location of which was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code.

Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Development Code, but does not now completely comply with current regulations, provided that the applicable amortization period has not expired.

Nonconforming Structure. A structure that was lawful prior to the effective date of this Development Code or any amendments, or previously adopted County Zoning Ordinances, and that does not conform to the present regulations of this Development Code, including height, location, lot coverage or setbacks.

Nonconforming Use. A use of land, or structure that was lawful prior to the effective date of this Development Code or any amendment, or previously adopted County Ordinances, and that does not conform to the present regulations on use of this Development Code, including:

1. A land use established where the use is not identified as a permitted use by the zone applicable to the lot on which the use is located;
2. A land use that is identified as a permitted use by the zone applicable to the lot on which the use is located but is not allowable on the particular site because of planning area standards of a Community and Area Plan Overlay;
3. A land use that was lawfully established without the planning permit or other entitlement (e.g., Conditional Use Permit, Development Plan) now required by this Development Code;
4. A land use that is operated or conducted in a manner that does not now conform with the standards of this Development Code, including floor area ratios, minimum site area, limitations on use, or location criteria; or
5. A residential use that exceeds the number of dwelling units or bedrooms allowed on the lot by this Development Code.

Non-ionizing Electromagnetic Radiation. Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum.

Non-mobilehome Residents. Residents who meet the definition of Permanent Resident and own

residential units which do not meet the definition of Mobilehome.

Non-passenger, commercial motor vehicle. A motor vehicle whose primary purpose is not transporting of passengers for compensation (e.g., buses, taxicabs) including:

- | | |
|--|------------------------------------|
| Auto trucks | Road sweepers |
| Any earth-moving equipment | Sand spreaders |
| Camper trucks and station wagons | Snowplows |
| (if they require commercial registrations) | Traction engines |
| Fork lifts (if operated on public streets) | Tractor cranes |
| Light delivery cars | Tractor-trailers and semi-trailers |
| Power shovels | Truck cranes |
| Road-building machines | Well drillers and servicing rigs |
| Road rollers | |

North County Consolidation Planning Area. A planning area for oil and gas development in the western portion of Santa Barbara County, defined by the following boundaries. the Santa Barbara County-San Luis Obispo County boundary to the north, the three-mile offshore limit line to the west, the ridge of the Santa Ynez Mountains to the south, and to the east Highway 101 north to California Highway 154 east to California Highway 166 north until it turns in a northwesterly direction, east to the Los Padres National Forest just south of Lookout Mountain, and the National Forest north to the County line.

Notice to Property Owner. A notarized, legal document required by the County, to be completed and recorded against the property by the property owner as part of a permit approval process and/or in conjunction with correction of a zoning violation. The purpose of the notice is to document specific conditions and/or restrictions that apply to a particular property and its improvements.

O. Definitions, "O."

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office").

1. **Accessory.** Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.
2. **Business/Service.** Establishments providing direct services to customers. Examples of these uses include bail bond services, elected official satellite offices, employment agencies, insurance agent offices, realtor offices, travel agencies, utility company offices, vehicle sales offices with no vehicles for sale onsite, etc. This use does not include "Bank, Financial Services," which is separately defined.
3. **Executive Headquarters.** Executive headquarters of business firms that are compatible with uses permitted in the applicable zone.
4. **Processing.** Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include the following, but do not include small-scale telephone answering services, which are instead classified under "Office - Professional or Administrative":

- | | |
|---|--|
| airline, lodging chain, and rental car
company reservation centers | insurance claim processing
mail order and electronic commerce |
| computer software and hardware design and
development | transaction processing
telecommunications facility design and
management |
| consumer credit reporting | telemarketing |
| data processing services | |
| health management organization (HMO)
offices where no medical services are
provided | |

5. Professional and Administrative. Office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:

- | | |
|---|--|
| accounting, auditing and bookkeeping services | financial management and investment counseling |
| advertising agencies | government offices |
| answering services | literary and talent agencies |
| attorneys | management and public relations services |
| business associations, chambers of commerce | media postproduction services |
| commercial art and design services | news services |
| construction contractors (office facilities only) | photographers and photography studios |
| counseling services | political campaign headquarters |
| court reporting services | psychologists |
| detective agencies and similar services | secretarial, stenographic, word processing and |
| design services including architecture, | temporary clerical employee services |
| engineering, landscape architecture, urban | security and commodity brokers |
| planning | writers and artists offices |
| educational, scientific and research | |
| organizations | |

6. Temporary. A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary onsite real estate office for a development project; or a temporary business office in advance of permanent facility construction.

7. Temporary Real Estate. The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

Office-Supporting Retail. A retail store or branch bank that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of stores include:

- | | |
|---------------------------|--|
| branch banks | newsstands, newspapers and magazine stores |
| book store | office supplies, stationery store |
| computer equipment stores | pharmacy, drug store |
| convenience store | photographic supplies and camera store |
| florists, flower stands | |

Offshore Oil and/or Gas Reservoir. The portion of an oil and/or gas reservoir that is seaward of the mean high tide line.

Oil. Gas and other hydrocarbon substances.

Oil and Gas Drilling Rig. The derrick or mast, draw works, and attendant surface equipment used to drill for oil, natural gas, or both from underground reservoirs, and to drill injection wells for disposal of fluids into subsurface reservoirs. Drilling rigs are also used to complete (prepare for production) a well, or redrill or rework a well. The derrick consists of a large load-bearing structure, usually bolted construction of metal beams. In drilling, the standard derrick has four legs standing at the corners of the substructure and reaching to the crown block. The substructure is an assembly of heavy beams used to elevate the derrick and provide space underneath to install the blowout-preventive equipment, casing head, and other equipment.

Oil and Gas Exploration.

~~1. **Oil and Gas Exploration – Coastal Zone.** Drilling of wells and temporary deployment of associated equipment to extract minimal quantities of oil and/or gas for the purpose of evaluating the developmental potential of one or more reservoirs. Exploration requires the location of temporary equipment onsite to support drilling (e.g. pressure vessels, storage tanks).~~

~~2. **Oil and Gas Exploration – Inland area.** Drilling for oil and/or gas that occurs outside the limits of an~~

established oil field, as delineated on California Division of Oil and Gas, Department of Conservation Maps.

Oil and Gas Production.

- ~~1. **Oil and Gas Production – Coastal Zone.** Drilling and re-working of oil and/or gas wells and long term deployment of associated equipment to extract oil and/or gas and associated byproducts in payable quantities from proven reservoir. Oil and gas production is divided into the following five major activities:

 - ~~a. **Drilling.** All activities associated with the drilling of wells.~~
 - ~~b. **Extraction.** All activities associated with the lifting of payable quantities of oil, gas, and byproducts, including secondary recovery operations as set forth in County Code Section 25-31.~~
 - ~~c. **Separation.** All activities at the drill site necessary to separate by gravity, or pressure the various phases of production. These phases would include water, oil, and natural gas. Free water knockout represents a typical gravity separation process.~~
 - ~~d. **Dehydration.** All activities necessary to remove water from oil and/or gas by means other than gravity. Such activities may include heater treaters for oil dehydration and mole sieves and glycol contactors for gas dehydration. Dehydration does not include wastewater treatment.~~
 - ~~e. **Transportation.** Minimal activities necessary to transport oil, gas, produced water, and waste water to processing and treatment facilities.~~~~
- ~~2. **Oil and Gas Production – Inland area.** Drilling for oil and/or gas that occurs within the limits of an established oil field, as delineated on California Division of Oil and Gas, Department of Conservation Maps.~~

~~**Oil and Gas Separation Plant – Inland area.** Facilities necessary and incidental to dehydration and/or separation of oil, gas and water.~~

Oil and Gas Treatment/Processing Plant.

- ~~1. **Oil and Gas Treatment/Processing – Coastal Zone.** Treatment/Processing activities involving the chemical separation of oil and gas constituents and the removal of impurities. Processing activities include oil stripping; hydrogen sulfide and carbon dioxide removal systems; depropanizers, debutinizers, or other types of fractionation; sulfur recovery plants; wastewater treatment plants; and separation and dehydration of oil/gas/water.~~
- ~~2. **Oil and Gas Treatment/Processing Plant – Inland area.** A facility designed to separate and recover hydrocarbons (i.e., butane, ethane, propane) and/or to remove impurities (i.e., hydrogen sulfide) from oil or gas.~~

Oil and Gas Workover/Pulling Rig. The derrick or mast, draw works, and attendant surface equipment to service oil/gas or injection wells, including, among other things, running the pump and tubing, replacing parts, fixing casing, and plugging and abandoning a well. These rigs are typically mobile, wheel-based trucks capable of moving from one well to another.

~~**Oil Refinery – Inland area.** A facility designed to produce one or more petroleum products by physically and/or chemically altering crude oil.~~

One Ownership. The ownership or possession of property under a contract to purchase, or under a lease, in any manner whereby the property is under a single or unified control, including ownership of property by a person, firm, partnership, association, corporation, company, syndicate, estate, trust, or organization of any kind.

Open Space.

1. **Public Open Space.** Public open space includes public parks, recreational support facilities (e.g., restrooms, stairways, picnic tables), public parking lots, beaches, access corridors such as bike paths, hiking, or equestrian trails, usable natural areas, and vista points that are accessible to members of the

general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds, and lakes may be included in public open space only if available for active recreational purposes (e.g., swimming, boating, fishing) but in no case shall water bodies be credited for more than five percent of the total public open space requirement. Public open space shall not include areas which are unusable for recreational purposes (e.g., private or public streets, private parking lots, or hazardous areas such as steep slopes and bluff faces).

2. **Common Open Space.** Common open space includes recreational areas and facilities for the use of the residents or guests of a development. These areas and facilities include tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use, or other open areas of the site needed for the protection of the habitat, archaeological, scenic, or other resources. Water bodies may be included but shall not be credited for more than five percent of the total common open space requirement. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.
3. **Private Open Space.** A usable open space adjoining and directly accessible to a dwelling unit that includes patios, decks, and yards, reserved for the exclusive use of the residents of adjoining dwelling units and their guests.

Open Space, Usable. Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six feet excluding required front yards not used for balconies or patios.

Organizational House. A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

Outdoor Festival. A musical festival, dance festival, "rock" festival or similar musical activity at which music is provided by paid, professional, or amateur performers, or by prerecorded means, that is held at a place other than in a facility that has been constructed and approved for public assembly and entertainment, to which members of the public are invited or admitted for a charge or free of cost, and that is to be or is attended by 500 or more persons.

Outdoor Recreation Facility. An area designated for active recreation, whether publicly or privately owned, including baseball and softball diamonds, soccer and football fields, equestrian arenas, golf courses, tennis courts, skateboard ramps and swimming pools.

Owner. The record owner or any person having possession and control of the subject property.

P. Definitions, "P."

Parcel. See "Lot."

Park, Playground. An area of land set aside for private or public use, maintained for recreational and ornamental purposes.

Park Trailer. A trailer, with or without a permanent foundation, designed for human habitation that meets the requirements of the California Health and Safety Code Section 18009.3.

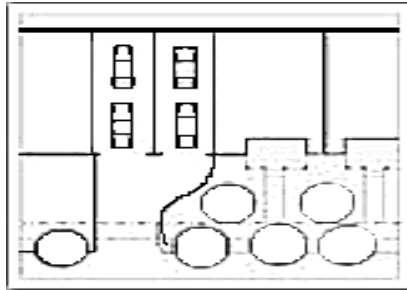
Parking, Lot. An off-street area, usually surfaced and improved, for the temporary storage of five or more vehicles.

Parking Lot Sale. A temporary sale that is conducted by a retail store, shop, establishment in the area usually used for on-premise customer parking or pedestrian access (not within a public right-of-way) of that retail store, shop, or establishment and at which sale the same type of merchandise sold within that store, shop, or establishment is sold at retail.

Parking Space. A space designed and reserved for the parking of vehicles, including all necessary maneuvering space, as provided elsewhere in this Development Code.

Parking, Tandem. The arrangement of not more than two parking spaces in depth, wherein one space is located directly in front of another space, such that it is necessary to pass through one space in order to enter or leave the other space, see Figure 2 - Tandem Parking, below.

Figure 11-2 - Tandem Parking



Passageway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit.

Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Includes concrete and clay roof tiles and pavers, and metal roofing materials. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.), which are instead under "Lumber and Wood Product Manufacturing".

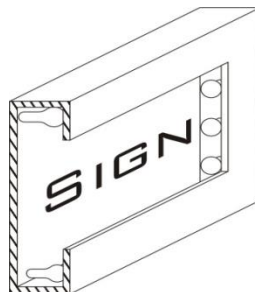
Peak Parking Period. The two hour period within seven consecutive days with the highest calculated parking demand for a single site.

Pedestrian Oriented. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way.
2. Building facades that are highly articulated at the street level, with interesting uses of architectural detailing, color, and material, located directly adjacent to the sidewalk.
3. Continuity of building facades along the street with few interruptions in the progression of structures.
4. Design amenities related to the street level (e.g., arcades, awnings, paseos).
5. Landscaping (including outdoor patios or pocket parks).
6. Signs oriented and scaled to the pedestrian rather than the motorist.
7. Street furniture.
8. Visibility into buildings at the street level.

Perimeter Lighting. A subdued method of illuminating a sign without illuminating the area outside of the sign, see Figure 11-3 - Perimeter Lighting.

Figure 11-3 - Perimeter Lighting



Permanent Resident. Any person who lives in a mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least three of the following criteria:

1. Address where registered to vote
2. Home address on file at place of employment or business.
3. Home address on file at dependents' primary or secondary school.
4. Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
5. California Department of Motor Vehicles identification address.
6. Mailing address.
7. Vehicle insurance address.
8. Home address on file with Bank account.
9. Home address on file with the Internal Revenue Service.
10. Home address on file with local club/association membership.
11. Any other criteria determined to be acceptable by the Director.

Person. An individual, organization, partnership, or other business association, corporation, or entity, including any utility, and any federal, state, local government, or special district or any agency thereof.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	palm and card readers
check cashing stores	pet grooming with no boarding
clothing rental	pawnshops
day spas	psychics
dry cleaning pick-up stores, not exceeding 2,000 sf	shoe repair shops
fortune tellers	spas and hot tubs for hourly rental
home electronics and small appliance repair	tailors
laundromats (self-service laundries)	tanning salons
locksmiths	tattoo and body piercing services
massage (licensed, therapeutic)	

These uses may also include accessory retail sales of products related to the services provided.

Planning and Development Department. The Santa Barbara County Planning and Development Department, referred to in this Development Code as the "Department."

Planning Commission. The Santa Barbara County Planning Commissions, including the Montecito Planning Commission, referred to in this Development Code as the "Commission."

Planning Permit. A generic term which means any permit or other entitlement authorized by this Development Code including the following: ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Land Use Permit, Minor Conditional Use Permit, Modification, Sign Certificate of Conformance, Variance.

Plant Nursery. A retail or commercial business where plants are grown in the ground or in containers for sale or propagation.

Plate Heights - Summerland. The distance between the finished floor and where the wall intersects with the lower portion of the floor joists of the story above, or if there is no intervening story, the lower portion of the structural roof members.

Precision Machine Shop. A business that provides metal working facilities for manufacturing or altering machinery or equipment requiring fine tolerances in their metrics.

Premises. The area of land in one ownership surrounding a house or building.

Primary Metal Industries. Manufacturing establishments engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.

Prime Agricultural Lands. Prime agricultural lands include any of the following.

1. All land that qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

Principal Dwelling. A detached dwelling that is the principal residential use of the lot.

Principal Structure. A structure in which the principal use of its lot is conducted. In any residential or agricultural zone a dwelling shall be deemed to be the principal structure on the lot on which it is situated.

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, embossing, etching, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Home. A dwelling, including an apartment or other leased space, where individuals reside.

Private Residential Recreation Facility. A privately-owned, non-commercial recreation facility provided for residential project or neighborhood residents, including outdoor facilities such as swimming pools, swim and tennis clubs, park and sport court facilities, and indoor facilities (e.g., recreation rooms). Does not include golf courses and country clubs, which are separately defined.

Private Services.

1. All production, storage, transmission, treatment and recovery facilities for water, sewerage, energy and other similar utilities and facilities owned or operated by any business organization, person or private entity, except for Oil and Gas Facilities regulated by [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).
2. All private transportation facilities, including streets, roads and other related facilities.

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

Project. Any activity governed to any extent by this Development Code that involves the issuance, by one or more agencies governed by the Board, of a permit, license, certificate, or other entitlement for use. The term "project" generally refers to the whole of an activity that may be subject to more than one entitlement

for use issued by one or more public agencies. However, the term "project" may refer to any specific action or activity which is part of a larger undertaking, depending upon the context in which the term "project" may be specifically used in this Development Code. See also Public Resources Code Section 21065(c); and Government Code Section 65931.

Public Property. Property owned by the government.

Public Safety Facility. A facility that houses public safety personnel and equipment, (e.g., police, fire, paramedics). Facility may include kitchens, sleeping accommodations, areas for equipment maintenance.

Public Works and Utilities. Public works and utilities include all of the following:

1. Production, storage, transmission, treatment and recovery facilities for water, sewerage, energy, telephone, and other similar utilities and facilities owned or operated by any public agency or by any utility that is subject to the jurisdiction of the Public Utilities Commission, except for oil and gas facilities regulated by [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#).
2. Operating bases and service centers for public utilities, including facilities from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or public utility, including equipment and materials storage. Also includes facilities serving as junction points for transferring a utility commodity from a regional transmission system to a local distribution system, including facilities for natural gas distribution.
3. Any of the following facilities that are not exempted from planning permit requirements by Government Code Section 53091, except electrical substations, which are separately defined, and : office or customer service centers (classified in "Offices").

corporation and maintenance yards	telephone switching facilities
natural gas regulating and distribution facilities	wastewater treatment plants, settling ponds and
public water system wells, treatment plants and storage	disposal fields

4. Publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

~~5. Community college facilities within the Coastal Zone.~~

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

Public Works, Transportation Related. All public transportation facilities, including streets, roads, highways, bridges, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, trolley wires, and other related facilities financed and owned by the government.

Q. Definitions, "Q." No specialized terms beginning with the letter "Q" are defined at this time.

R. Definitions, "R."

Railroad. A permanent road that has a line of rails, fixed to ties and laid on a roadbed, for the purpose of providing a track for cars and equipment moved by locomotives or propelled by self-contained motors. The general categories of lines include.

1. **Main Line.** A main line provides for the long-distance intercity and interstate movement of trains.
2. **Branch Line.** A branch line generally connects cities, military bases, and commercial/industrial areas to the mainline.
3. **Spur Line.** A spur line connects specific entities, such as a factory, refinery, warehouse, or lumber yard to the branch line or main line.
4. **Siding or Turn-out.** A section of railroad track used to allow the safe passage of trains, switching or rail cars, or parking of trains.

Railroads may include bridges, underpasses, overpasses, tunnels, signals and other accessory facilities and structures that are attendant to road facilities.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Recreational Vehicle. A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy. Recreational vehicles shall also include trailer-borne boats and other watercraft.

Recreational Vehicle Accommodations. Any facilities intended to accommodate recreational vehicles, including parking spaces, septic disposal, water, electrical, propane, and liquefied petroleum gas.

Recreational Vehicle Park. Any area or tract of land, where one or more lots are rented or leased or held out for rent to owners or users of recreational vehicles or tents, and which is occupied for temporary purposes.

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

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zone:
 - a. Reverse vending machines.
 - b. Small collection facilities which occupy an area of 350 square feet or less and may include a mobile unit.
2. **Large Collection Center.** A collection facility that occupies more than 350 square feet, and/or includes permanent structures.
3. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
4. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:
 - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
 - b. A heavy processing facility is any processing facility other than a light processing facility.
5. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is

designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

7. **Scrap or Dismantling Yard.** An outdoor establishment primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.
8. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

Registered or Permitted Area. The portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

Religious Institution. Religious institutions include churches, mosques, synagogues, etc., and functionally related internal facilities such as kitchen, multi-purpose rooms, and storage.

Relocation Counselor. A counselor providing the services described in Section 35.89.070.B.1.

Relocation Plan. A document which describes the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit.

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

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

Research and Development. A facility for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory"), or medical laboratories (see "Laboratory - Medical, Analytical, Research & Development").

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

Residence Hall. A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing, but excluding fraternity or sorority house.

Resident-approved Receiving Site. A site which has been agreed upon by both the applicant and the non-mobilehome resident as a mutually acceptable location to receive a relocated residential unit which does not meet the definition of mobilehome.

Residential Agricultural Unit. ~~An attached or detached one-family dwelling on a permanent foundation, located in the AG-I 40, AG-II 40, AG-II 100, and AG-II 320 zones, or a detached duplex on a permanent foundation located in the AG-II 320 zone, that provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling.~~

~~1. **Residential Agricultural Building Site, Clustered.** A single continuous building envelope of no more than three percent of the lot area or two acres (whichever is less) in which all residential and residential accessory structures and uses shall be located. The clustered building envelope shall minimize "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.~~

~~2. **Residential Agricultural Building Site, Remote.** All building sites for Residential Agricultural Units that do not conform to the definition of a clustered residential agricultural building site.~~

Residential Second Unit. See "Accessory Dwelling Unit."

Residential Structure. A structure containing one or more dwelling units, except for a mixed use building.

Resort. See "Lodging - Resort Hotel."

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Either may include indoor and/or outdoor eating areas, and/or accessory bars or cocktail lounges.

Restroom. A room that may contain a toilet and washbasin but shall specifically exclude any type of bathing facilities.

Retreat. A building or group of buildings with appurtenant land and structures used for the purpose of providing facilities for groups assembled for discussion, study, and recreation. See [Section 35.42.240 \(Rural Recreation\)](#).

Review Authority. The individual or official County body (Boards of Architectural Review, the Planning Director, Zoning Administrator, Planning Commissions, or Board of Supervisors) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in [Article 35.8 \(Planning Permit Procedures\)](#).

Right-of-Way Line. The recorded boundary of a public or private street or the existing or planned boundary of a public street as indicated in the Comprehensive Plan.

Riparian Vegetation. Vegetation normally found along the banks and beds of streams, creeks, and rivers.

Road. See "Street." The following terms as they are used in [Chapter 35.76 \(Road Naming and Address Numbering\)](#) shall be defined as follows:

1. **Road, continuous.** Two or more road segments within sight of one another at an intersection with its centerlines offset by less than 100 feet or with an interior angle of intersection greater than 110 degrees.
2. **Road, private.** A street which is not a public road and does not meet the definition of a driveway.
3. **Road, public.** All existing Federal, State, and County public roads and all public streets acquired in the future where the area within the right-of-way is held either in fee or as an easement by Federal, State, or County government.
4. **Road segment.** A linear section of road being added to the address numbering system, or a section that stands as a separate or non-continuous road.

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

Rooming House. See "Lodging".

Rural Area. An area shown on the Comprehensive Plan maps.

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

S. Definitions, "S."

Sanitarium. A health retreat, boarding house, hospice or other place for the treatment of disease or care of invalids.

Scenic Highway Corridor. A corridor of land that extends 2,000 feet outward from the right-of-way lines of any state-designated scenic highway.

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

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

School - Business, Professional, or Trade. Includes schools providing specialized education/training. Examples include:

art school	gymnastics school
ballet and other dance school	language school
business, secretarial, and vocational school	martial arts
computers and electronics school	music school
drama school	professional school (law, medicine, etc)
driver education school	seminaries/religious ministry training facility
establishments providing courses by mail	swimming and other sports instruction schools

Sea. The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

Sea Wall. Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland damage from wave action or flooding during storms.

Secondary Use. A land use subordinate or accessory to a principal land use

Seismic Retrofit. An alteration to the structural elements of a structure for the purposes of resisting earthquake forces.

Service Station. A retail business selling gasoline and/or other motor vehicle fuels, and related products, where gasoline is stored underground. A service station may also include "Vehicle Services," and/or trailer rental ("Auto and Vehicle Sales or Rental"), which are separately defined. Does not include convenience stores, which are separately defined, and regulated by this Development Code as a separate land use type.

Setback. The minimum required distance that a structure must be located away from any property line of the lot on which it is located, or street center line or right-of-way line or easement boundary, to provide an open yard area that is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Development Code.

Setback, Front. An open yard area extending across the front of a lot between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the front lot line and a line parallel thereto on the lot.

- 1. Primary Front.** On a corner lot less than 100 feet in width, the primary front setback is the setback which is adjacent to the front line of the lot.
- 2. Secondary Front.** On a corner lot less than 100 feet in width, the secondary front setback is the front setback which is not the primary front.

Setback, Rear. An open yard area located opposite the front line and extending across the rear of the lot

between the side lot lines, the depth of which is the required minimum setback distance as measured perpendicularly between the rear lot line and a line parallel thereto on the lot.

Setback, Side. An open yard area extending between the front setback and the rear setback, the width of which is the required minimum setback distance as measured perpendicularly between the side lot lines and a line parallel thereto on the lot.

Sewage Treatment Facilities - Central Plant. Central plant facilities for sewage treatment, including wastewater treatment plants, wastewater package plants, reclamation facilities and other similar facilities, proposed to serve 200 or more connections.

Shade Structure. A structure consisting of a frame with no permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring, etc.) and a dark, permeable, removable covering (e.g. netting) used to shade plants grown in the soil or in containers upon the soil.

Shadow Construction. Pipeline construction involving two or more separate pipeline projects in the same corridor, coordinated at closely-timed intervals so that site rehabilitation is required only once.

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

Shopping Center. A retail commercial center, or group of retail commercial enterprises, planned, developed, managed, and maintained as a unit; with common off-street parking provided to serve all uses on the property.

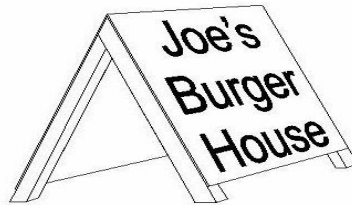
Shooting range. An enclosed or unenclosed firing range with targets for rifle or handgun practice.

Short-Term Rental. See "Lodging."

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following:

1. **A-Board Sign.** A portable "a-frame" or "sandwich board" sign, see Figure 11-4 - A-Board Sign, below.

Figure 11-4 - A-Board Sign



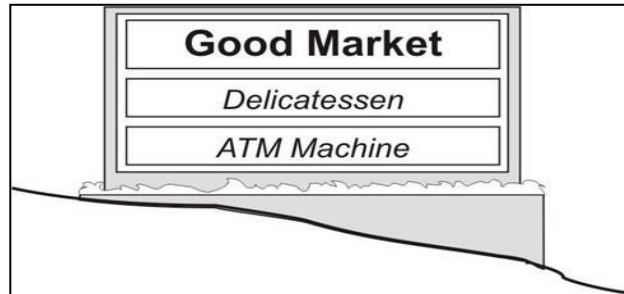
2. **Abandoned Sign.** A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.
3. **Animated or Moving Sign.** A sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **Arcade Sign.** A sign located on the exterior of an arcade facing the street which does not extend above or below the arcade structure.
5. **Awning Sign.** A sign copy or logo attached to or painted on an awning.

6. **Banner, Flag, or Pennant.** Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized non-commercial organizations.
7. **Bench Sign.** Copy painted on a portion of a bench.
8. **Business Sign or Structure.** Any sign or structure designed, intended or used for advertising the particular business, product or service located or sold on the same premises as that on which the sign or structure is located.
9. **Cabinet (Can) Sign.** A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.
10. **Changeable Copy Sign.** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
11. **Combination Farm Sign.** A sign used for the purpose of identifying the owner or operator of a farm and the product produced on the farm, which sign may also incidentally identify the contract buyer of the product (e.g., Calavo).
12. **Construction Sign.** A temporary sign placed at a construction site that provides information regarding the project architect, owner, contractors, etc.
13. **Directional and Informational Sign.** A sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project site.
14. **Directory Sign.** A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
15. **Double-Faced Sign.** A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes located within 24 inches of each other.
16. **Educational Sign.** A sign located in a public park and along trails and walkways that provides facts and information about the natural environment (e.g., names and origins of plants; names of animals and descriptions of their habitat and behavior; names and characteristics of geological features).
17. **Electronic Reader Board Sign.** A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
18. **Farm Organization Sign.** A sign used only for the purpose of indicating membership in a farm organization, such as Cattlemen's Association, 4-H Club, Farm Bureau.
19. **Flashing Sign.** An animated sign that contains an intermittent or sequential flashing light source.
20. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. Includes monument signs and pole signs and the following:
 - a. **Entrance/Exit Sign.** A sign containing only the words "entrance" or "exit."
 - b. **Gate or Entrance Sign.** A sign attached to an entrance gate or entrance structure to a residential building site or residential subdivision which identifies the site or subdivision.
 - c. **Identification Sign.** A sign used only for the purpose of identifying the occupancy of a building, structure, or property.
 - d. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
21. **Indirectly Illuminated Sign.** A sign whose light source is external to the sign and which casts its

light onto the sign from a distance; or where the light source is behind an opaque sign element and causes the opaque element to be outlined by light reflected from the surface to which the sign is mounted.

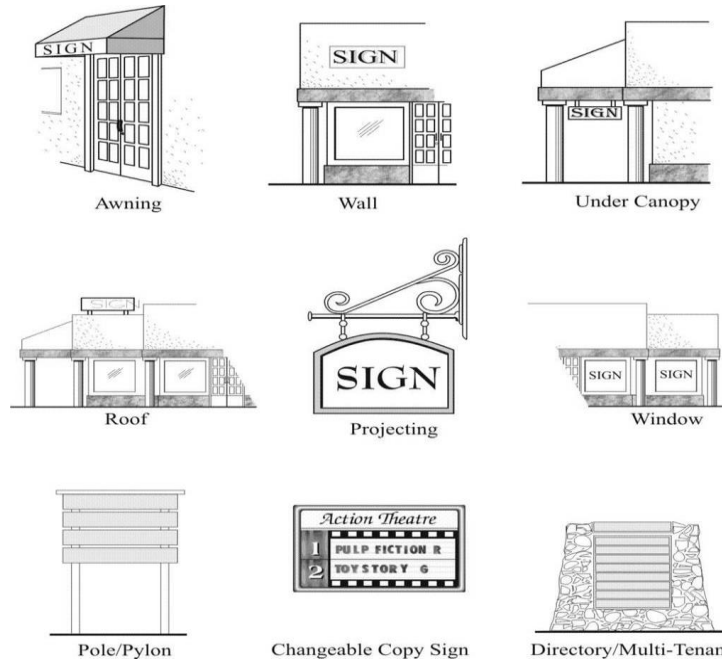
22. **Institutional Sign.** A sign used only for the purpose of identifying an established organization or foundation, typically of a public character (e.g., school, hospital, museum, lodge).
23. **Internally Illuminated Sign.** A sign whose light source is located in the interior of the sign so that light passes through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
24. **Marquee (Canopy) Sign.** A sign attached to or constructed in a marquee.
25. **Menu Board Sign.** A sign that is either affixed to a wall or freestanding, which may be illuminated, which indicates information that is essential for the efficient intake of orders from customers of a drive-through restaurant.
26. **Multi-Tenant Sign.** See "Directory Sign."
27. **Multiple Copy Sign.** A sign which advertises other than the name of the business and principal product or service. See Figure 11-6 - Multiple Copy Sign, below.

Figure 11-6 - Multiple Copy Sign



- 28. Off-Site Directional Sign.** A sign providing directions to another location.
- 29. Off-Site Sign.** A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premises that the sign is located on.
- 30. Onsite Sign.** A sign containing copy relating only to the business, product, service, or activity conducted or sold on the same premises as that on which the sign is located. Sometimes also known as "business sign."
- 31. Permanent Sign.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
- 32. Political or Social Issue Sign.** A sign that addresses:
- The passage or defeat of a measure appearing on the ballot in any national, state, or local election;
 - The election or defeat of any candidate for any public office in any national, state, or local election; or
 - An international, national, state, or local political or social issue.
- 33. Pole/Pylon Sign.** An elevated freestanding sign typically supported by one or two poles or columns.
- 34. Portable Sign.** A sign that is not permanently affixed to a structure or the ground.
- 35. Projecting Sign.** A sign mounted on the façade or vertical surface of a structure in such a manner that all of the display surfaces are not parallel to the supporting surface.
- 36. Real Estate Sign.** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
- 37. Roof Sign.** A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof. Signs mounted on parapet walls are not considered roof signs. Signs which are on pylons or other architectural projections and extend more than six inches above a roof or parapet wall are, for the purpose of this Development Code, roof signs.
- 38. Safety Sign.** A sign warning of hazards.
- 39. Security Sign.** A sign used for the purpose of indicating the presence of security devices, use of surveillance cameras for security purposes, or electronic warning systems.
- 40. Subdivision Directional Sign.** A sign that provides directions to a new subdivision with onsite model homes and/or sales office, where lots and/or housing units are, or will be for sale.
- 41. Temporary Sign.** A temporary sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
- 42. Time and/or Temperature Sign.** See "Changeable Copy Sign."
- 43. Trail Marker Sign.** A sign designed and intended to mark a public trail/path system used by equestrians, pedestrians, and cyclists using non-motorized vehicles.
- 44. Under Canopy Sign.** A sign attached to the underside of a canopy.
- 45. Vehicle Sign.** A sign which is attached to or painted on a vehicle which is parked onsite or off-site, the principal purpose of which is to attract attention to a product sold or business.
- 46. Wall Sign.** A sign affixed in any manner to any exterior wall of a building and which is parallel to and projects not more than 18 inches from the building wall and which does not extend more than six inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six inches above the roof or parapet wall of the building are, for the purpose of this Development Code, wall signs.
- 47. Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view.

Figure 11-7 - Sign Examples



Sign Structure. A structure that supports or is capable of supporting any sign as defined in this Development Code.

Silo (Industrial). A large, cylindrical vessel used to store processed or unprocessed minerals, powders, plastic raw materials, calcium carbonate, processed grain products, asphalt hot-mix, or concrete ready-mix. Accessory equipment may include light poles, emission-control equipment, walkway access, conveyors, loading and unloading elevators, weighing equipment, and other equipment for filling and emptying the silo.

Single Room Occupancy. A multi-unit residential use where occupants share common kitchen and bathroom facilities.

Site. A lot or adjoining lots, considered a unit for the purposes of development or other use.

Slaughter House. A facility where livestock that have been raised off of the premises are slaughtered, packed, or wrapped on a commercial basis, but not including processing beyond the raw state.

~~**Small wind energy system.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than 50 kilowatts per customer site, consistent with the requirements of paragraph (3) of subdivision (b) of Section 25744 of the Public Resources Code, and that will be used primarily to reduce onsite consumption of utility power. Additionally, the following terms and phrases are defined for the purposes of Subsection 35.57.050A (Wind energy conversions systems that qualify as Small Wind Energy Systems):~~

- ~~1. **Energy Commission.** The State Energy Resources Conservation and Development Commission.~~
- ~~2. **Onsite.** The premises upon which the small wind energy system and its associated structure(s) are located and the location upon which the generated electrical power is primarily used.~~
- ~~3. **Primarily.** Greater than 50 percent.~~
- ~~4. **System height.** The higher of either the height of the tower and the system measured to the top of the blade at the highest point of the system extended above the existing grade when being operated.~~
- ~~5. **Tower.** The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a small wind energy system.~~

~~6. **Tower height.** The height above grade of the fixed portion of the tower, excluding the wind turbine.~~

~~7. **Urbanized area.** As defined in paragraph (2) of subdivision (d) of Government Code Section 65944.~~

Solar Energy System. Solar energy system means either (a) any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating, or (b) any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. Additionally, the following terms and phrases are defined for the purposes of permitting solar energy systems:

1. **Feasible method to satisfactorily mitigate or avoid the specific adverse impact.** A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of [Section 714 of the Civil Code](#).
2. **Specific, adverse impact.** A "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Solar Photovoltaic System. A type of Solar Energy System that uses semiconductor technology to directly convert sunlight into electricity, including thin film and crystalline silicon technology.

South Coast Consolidated Oil and Gas Processing Site. The site supporting the Las Flores Canyon Oil and Gas Processing facility (the industrially zoned portions of Assessor's Parcel Numbers 081-220-014 and 081-230-019). Any new oil and gas production from offshore reservoirs or zones that is processed within the South Coast Consolidated Planning Area must be processed at this site.

South Coast Consolidation Planning Area. The unincorporated area from Point Arguello to the City of Santa Barbara and from the ridge of the Santa Ynez Mountains to the three-mile offshore limit line to the south and southeast.

Spa. A business establishment with equipment and facilities for exercising and personal care treatments including depilation, facials, massages, pedicures.

Special Care Home. A residential home providing 24-hour non-medical care and supervision that is eligible for a license for a capacity of seven or more clients from the State Department of Social Services, Community Care Licensing Division or a licensing agency authorized by the Department as a "Group Home-Children," "Supportive Housing," "Transitional Housing," "Adult Residential Home," "Residential Care Facility for the Elderly or Handicapped," or "Foster Home."

Special District. A public agency other than a city or county, formed in compliance with general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting the area.

Special Problems Area. An area designated by the Board of Supervisors in compliance with Article XV (Special Problems Areas) of Chapter 10 (Building Regulations) of the Santa Barbara County Code as having severe constraints to development that include access, drainage and wastewater disposal.

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

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

skateboard parks

Sports and Outdoor Recreation Facility, Accessory. A sports and outdoor recreation facility accessory to the principle use.

Sports and Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Sports Court. A structure which consists of a hardscape or other surface having a minimum size of 30 feet by 60 feet that is utilized in connection with a flat game court structure devoted to recreational purposes including basketball, handball, tennis, and volleyball but excluding bocce ball courts, lawn bowling courts and similar facilities, patios, and areas used for driveways or parking of vehicles.

Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public. An accessory building in which horses are kept for commercial use including riding, training, boarding, hire, and sale. See also "Equestrian Facility."

~~**Staging Area.** A minor coastal facility used for the temporary storage and handling of equipment and materials accessory and incidental to construction of a specific oil and gas development project. Staging areas are to be at a scale of development not detrimental to the surrounding land uses and character.~~

State. The State of California.

State University or College. The University of California and the California State University and Colleges.

Stock Cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the persons having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined in this Chapter.

Storage - Accessory. The indoor storage of materials accessory and incidental to a principle use is not considered a land use separate from the principle use.

Storage - Contractor Storage Yard. See "Contractor Equipment Storage Yard."

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or principle use.

Storage - Personal Storage Facility. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above.

~~**Stream.** Within the Coastal Zone, watercourses, including major and minor streams, drainage ways and small lakes, ponds and marshy areas through which streams pass. Coastal wetlands are not included.~~

~~1. **Major Stream.** A stream with a drainage area in excess of 500 acres.~~

~~2. **Minor Stream.** A stream with a drainage area of 500 acres or less.~~

~~3. **Stream Corridor.** A stream and its minimum prescribed buffer strip.~~

Street. A permanently reserved, public or private right-of-way, not including alleys or driveways, that provides the public a principal means of vehicular access to abutting or adjacent property. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from the freeway or highway.

Street Frontage. The portion of a property abutting a public or private street, except that when this term is used in Chapter 35.38 (Sign Standards) it shall mean the portion of a property that abuts an improved street or streets open to public use to which the property has access.

Stripper Column, Pole or Tower. A tall, cylindrical vessel used to physically remove contaminants from gas or liquid.

Structural Alteration. A change in the supporting members of a structure, including bearing walls, column beams, girders, or trusses, or in the dimensions, support members, or configuration of the roof.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, excluding trailers and, ~~within the Inland area,~~ sidewalks. ~~Within the Coastal Zone this definition includes any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.~~

Structure Separation. The distance between structures on the same building site.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include artist studios that are accessory to a residential use.

Studio Dwelling Unit. A dwelling unit that does not contain a bedroom and which is located within a two-family dwelling or a multiple dwelling.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Santa Barbara County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Substantially Visible. An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye.

Summerland Community Plan Area. That portion of the County located within the boundaries of the Summerland Community Plan as shown on the Summerland Community Plan Land Use Map.

~~**Supply Base.** Major onshore and near shore facilities that provide multi company warehousing and handling services for supplies associated with short and long term offshore oil and gas industrial operations.~~

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (See Government Code Section 65582(g).)

Surface Debris. Loose surface litter on the soil surface, normally consisting of fallen leaves, needles, twigs, bark, cones, small branches and downed logs.

Swap Meet. An open-air market operating during daylight hours on weekends and holidays for the retail sale or exchange of merchandise by a number of sellers.

T. Definitions, "T."

Tannery. A facility that transforms hides into leather by tanning or curing.

Tasting Room. See "Winery, Tasting Room."

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (See Government Code Section 65582(i).)

Telecommunications Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios. Additionally, the following terms and phrases are defined for the purposes of [Chapter 35.44 \(Telecommunications Facilities\)](#).

1. **Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.
2. **Antenna Envelope.** The three-dimensional cylinder shaped space that is occupied by antennas and the support structure on which the antennas are mounted. This area/space is measured from the portion of the antenna located furthest from the support structure.
3. **Antenna Support Structure.** A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna used for the transmission and reception of electromagnetic waves.
4. **Base Station.** A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, which does not encompass a tower or any equipment associated with a tower, and as further defined by 47 C.F.R. Section 1.6100(b)(1), as amended.
5. **Collocated Telecommunications Facility.** A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.
56. **Collocated Telecommunications Site.** Any site where more than one antenna support structure is installed in close proximity to one another on one lot.
67. **Commercial.** A telecommunications facility that is operated primarily for or accessory to a business purpose.
78. **Height.** The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the uppermost point of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna or antenna support structure includes the height of the portion of the building that it is mounted on.
89. **Hub Site.** A supplemental equipment site that is void of transceiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards,

computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.

910. Lattice Tower. A multiple sided open metal frame support structure which supports antennas and related equipment.

110. Mobile Telecommunications Temporary Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside.

124. Monopole. A single pole support structure, constructed without guy wires and ground anchors, used to support communication antennas and connecting appurtenances.

134. Multiple User. A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

143. Non-commercial. A telecommunication facility that is operated solely for a non-business purpose.

154. Ridgeline. When used within [Section 35.44.010 \(Commercial Telecommunication Facilities\)](#), ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

165. Substantially Visible. A facility is considered to be substantially visible if any portion of the facility stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye.

176. Tenant Improvement. A wireless telecommunication facility where the general public does not have access to the facility and the transmission facility and the associated antennas are (1) entirely enclosed within an existing building or (2) located on the roof of an existing structure, or (3) the antennas are located on the exterior wall of a structure. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

187. Tower. A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.

198. Utility Pole Existing. A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

1920. Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and personnel access such as a door, hatch, manhole or cover.

210. Wireless Telecommunication Facility. A commercial facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility may include; antennas, radio transmitters, equipment shelter or cabinet, air vents, antenna support structure, air conditioning units, fire suppression systems, and emergency back-up generators including fuel storage.

Temporary Guest. Non-paying guests occupying the premises for not more than 120 days in any 12-month period.

Temporary Use.

~~1. Coastal Zone. Temporary use within the Coastal Zone is defined as (1) an activity or use that constitutes development as defined by this Development Code but which is an activity or function which is or will be~~

~~of limited duration (does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis) and involves the placement of non permanent structures and/or exclusive use of public spaces, including: sandy beach, parkland, filled tidelands, water, streets or parking areas, which are otherwise open and available for general public use; or (2) an activity as defined in (1) above that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.~~

~~2. **Inland area.** Temporary use within the Inland area is defined as t~~The use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Examples of temporary uses include: art shows, car washes, charitable functions, seasonal sales lots.

Theater. An indoor or outdoor facility for spectator group entertainment, other than sporting events. Examples of these facilities include civic theaters, and facilities for "live" theater and concerts, performing arts centers, and movie theaters. Does not include drive-in theaters. See also "Meeting Facility, Public or Private," and "Sports and Entertainment Assembly."

Toro Canyon Plan Area. That portion of the County located within the boundaries of the Toro Canyon Plan area as shown on the Toro Canyon Plan Land Use Map.

Trail. A marked or beaten path, as through woods or wilderness.

Trout farm. A commercial, recreational facility consisting of tanks or ponds in which trout are kept to be fished for.

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

Transient. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive days or less. Any such person so occupying space in any lodging shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the owner or operator and the occupant providing for a longer period of occupancy. A transient is also referred to as a transient occupant.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. (See Government Code Section 65582(j).)

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

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

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

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

Truck Stop. A facility primarily engaged in providing gas/service station services for cargo vehicles. May include driver services including showers, a restaurant, and/or a convenience store of 1,000 square feet or less.

Truck, Trailer, Construction, Farm, and Heavy Equipment Sales/Rental. Retail establishments

selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

U. Definitions, "U."

Under Construction. The placing of construction materials in permanent position and fastened in a permanent manner.

Understory - Summerland. The portion of the structure between the exposed finished floor and the finished grade.

Uniform Rules for Agricultural Preserves and Farm Security Zones. Rules that are adopted by the Board that implement the Land Conservation (Williamson) Act within the County and determine appropriate uses of land subject to agricultural preserve and farm security zone contract.

Urban Area. An area shown on the Comprehensive Plan maps within which is permitted the development of residential, commercial, and industrial activities, and their related uses and structures.

Urbanization. Any commercial, industrial, or residential structure on lots of less than five acres in size, or the creation by land divisions of lots of less than five acres in size.

~~**Utility Connection to Approved Development.** Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been issued a Coastal Development Permit.~~

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").

Utility-Scale Solar Photovoltaic Facilities. Facilities that are connected to the electrical grid on the utility side of the electric meter and are built for the primary purpose of generating and selling wholesale power. The electricity generated by the facility is not primarily used for on-site activities (such as farming or domestic water heating).

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

V. Definitions, "V."

Vegetation Removal. The removal of vegetation, by hand or with mechanical equipment, including the roots, such that the plant, shrub or tree is completely removed.

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

Vehicle Dispatch Facility. A base facility where ambulances, taxis, limousines, armored cars, tow trucks and similar vehicles for specialized transportation are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include storage facilities for towed vehicles, which is classified under "Vehicle Storage."

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principle use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Car Wash, Mechanical.** A commercial establishment equipped for washing cars and other motor vehicles utilizing the mechanized movement of vehicles.
2. **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping.
3. **Minor Maintenance/Repair.** Minor facilities providing repair and maintenance services. Examples

include: detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking, repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards.

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include public or private parking lots; or dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

Veterinary Clinic, Animal Hospital. See "Medical Services - Animal Hospital."

Vision Clearance Area. A triangular space at the street or highway corner of a corner lot wherein the height of plantings, fences, walls, and other structures is restricted by Subsection 35.30.090.K (Vision clearance).

Visitor-Serving Commercial. Retail and service uses not otherwise listed as allowable in a specific zone, that are oriented to the needs of tourists and the traveling public, including barber and beauty shops, gift and souvenir shops, recreational clothing stores, recreational equipment rental (e.g., beach and swimming equipment) and restaurants.

W. Definitions, "W."

Warehouse. See "Storage - Warehouse, Indoor Storage."

Waste Minimization. See "Hazardous Waste, Waste Minimization."

Wastewater Treatment System. A system, not connected to a wastewater treatment facility, that treats, stabilizes, stores and disposes into the soil sewage generated onsite. The following terms are defined for purposes of permitting and regulating wastewater treatment systems; see Article 1 (Onsite Wastewater Treatment Systems) of Chapter 18C (Environmental Health Services) for additional definitions regarding wastewater treatment systems:

1. **Alternative Wastewater Treatment System.** An onsite wastewater dispersal field that consists of components other than a conventional or supplemental treatment system. Examples include "mound", "evapotranspiration", and "at grade" systems.
2. **Conventional Onsite Wastewater Treatment System.** An onsite wastewater treatment system composed of a septic tank and a dispersal field that uses leach lines, a leaching bed or seepage pits, a shallow drip or pressurized drain field and does not include alternative onsite wastewater treatment systems.
3. **Drywell.** An excavation, typically cylindrical in shape and filled with rock, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.
4. **Maintenance.** Work related to the upkeep of a wastewater treatment system. Examples include any installation, repair or replacement of septic tank baffles, risers, tees, ells, tops, access port lids, pumps and blowers.
5. **Modification.** The replacement or enlargement of any component of an onsite wastewater treatment system, not defined as maintenance or repair in this Development Code, which results in a change in flow, capacity or design of the system.
6. **Onsite Wastewater Treatment System.** A system composed of a septic tank and a dispersal field and related equipment and appurtenances. Onsite wastewater treatment systems are also referred to as septic systems, onsite sewage disposal systems, individual sewage disposal systems or private sewage disposal systems and may include alternative and supplemental treatment systems.
7. **Performance Test.** A test conducted to determine the absorptive capacity of a seepage pit by

measuring the maximum rate of water absorption after initial presaturation usually expressed as gallons per day.

8. **Repair.** The restoration, replacement, or alteration of any malfunctioning or damaged component of an onsite wastewater treatment system except those defined in this Development Code as maintenance. The alteration of a hollow seepage pit to a rock filled seepage pit for the purposes of this article shall be considered a repair.
9. **Septic Tank.** A water tight, compartmentalized, covered receptacle designed and constructed to: receive the discharge of sewage; separate the solids from the liquid; digest organic matter; store digested solids for a period of retention; and allow the resultant effluent to discharge from the tank to the dispersal field.
10. **Sewage.** Any and all waste substance, liquid or solid, associated with human habitation, or which contains or may contain human or animal excreta or excrement, offal or any feculent matter. Industrial wastewater shall not be considered as sewage.
11. **Supplemental Wastewater Treatment System.** An onsite wastewater treatment system that utilizes engineered designs and/or technology to treat effluent to reduce one or more constituents of concern in wastewater. It may also be referred to as an Advanced Treatment System or Enhanced Treatment System. Examples include sand filters, textile filters and aerobic treatment units but do not include composting or incinerating toilets.

Wastewater Treatment Facility. A system that that treats, stabilizes, stores and disposes into the soil sewage generated from more than one lot.

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

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

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

Water Supply, Treatment, Storage Facilities - Central Plant. Central plant facilities for domestic, commercial, industrial or recreational water production, including onsite water wells, water systems, water treatment plants, water package plants and other similar facilities proposed to serve 200 or more connections.

Water Trucking Facility, Commercial. A commercial facility involving extraction and storage operations that transports water by truck from the point of extraction to offsite locations.

~~**Western Seaside Vernacular Commercial – Toro Canyon Plan area, Coastal Zone.** The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.~~

Orientation and Massing

Low massing
Little or no set back from sidewalk edge

Roofs

Flat
Pitched gable roofs, but not gambrel or mansard roofs

Roof Materials

Composition
Wood shingles, subject to Building Code limitations
Shingles made to resemble wood or slate

Windows

"Picture"
Horizontally oriented multi-paned
Multi-paned with wood sash and frames

Wood framed Doors

Simple wood
Simple wood and glass
Simple French doors

Colors

Weathered wood
Whitewash
Neutrals
Weathered colors

Siding

Board and batten
Beveled tongue and groove
Clapboard
Shingles

Wetbar. An area of a room that may include cabinets, counters, refrigeration units and sinks but no cooking facilities, as restricted by [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

Wetland. Lands that may be covered periodically or permanently with shallow water and include saltwater marches, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

agents, merchandise or commodity brokers, and commission merchants	merchant wholesalers packaging business
assemblers, buyers and associations engaged in the cooperative marketing of farm products	stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Also includes storage, processing, packaging, and shipping facilities accessory to the principle use.

Wind Energy Conversion System. A machine or group of machines used to convert wind energy to a usable form (e.g., mechanical, electrical).

Wind Turbine Generators. A wind energy conversion system that utilizes a turbine to convert wind power to electrical energy.

Winery. The following terms are defined for the purposes of [Section 35.42.280 \(Wineries\)](#).

1. **Tasting Room.** A room or rooms, open to the general public, primarily used for the retail marketing of winery products. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the winery, as well as wine related items and other products that reflect or enhance the character or theme of the winery. A room or rooms where wine tasting occurs, where wine tasting is part of the normal business practice in the wholesale marketing of winery products and not open to the public is not considered a tasting room.
2. **Winery.** A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sales and tasting of wine and retail sales of related promotional items may be allowed as part of the winery operation.
3. **Winery Premises.** A lot or group of contiguous lots that has an approved Development Plan, Conditional Use Permit, or Land Use Permit that allows for the development and operation of a winery. Lots shall be considered to be contiguous even if separated by roads, streets, utility easements, or railroad rights-of-way.
4. **Winery Special Event.** An event of less than one day and occurring on a winery premises attended by 80 or more people including concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, winemaker dinners open to the general public, etc. Winery special events do not include wine industry-wide events (e.g., Vintner's Festival, Harvest Festival) including associated events held at individual wineries, the normal patronage of a tasting room, and private gatherings of the owner or employees where the general public does not attend.
5. **Winery Structural Development.** Anything constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof. The footprint area of uncovered storage tanks and wine caves is also included as winery structural development. Winery structural development is restricted to development associated with the winery operation and does not include residential development including employee housing, development that is solely accessory to vineyards, and other agricultural activities not directly associated with the winery.

X. Definitions, "X." No specialized terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

Yard. See "Setback."

Z. Definitions, "Z."

Zoning Administrator. A position authorized by Government Code Section 65900 *et seq.* created by ordinance, which authorizes a hearing officer to hear and decide on applications including Development Plans, Minor Conditional Use Permits, Modifications and Variances, in compliance with this Development Code.

Zoo. A park or an institution in which living animals are kept and usually exhibited to the public. Also called zoological garden.

APPENDIX A

**TABLE OF ORDINANCES AMENDING THIS
LAND USE & DEVELOPMENT CODE**

Ordinance & Case Number	Board of Supervisors Adoption Date	Amended Sections
Ordinance 4625 06 ORD-00009	10/17/2006	Initial adoption of the County Land Use & Development Code including the Montecito Community Plan Coastal Zone area
Ordinance 4660 07ORD-00003	11/20/2007	Initial adoption of the County Land Use & Development Code not including the Montecito Community Plan Coastal Zone area
Ordinance 4673 08ORD-00005	05/27/2008	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.76.050, 35.84.030
Ordinance 4680 08ORD-00005	07/15/2008	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.36.050, 35.42.090, 35.42.260, 35.80.020, 35.82.130
Ordinance 4686 08ORD-00008	09/16/2008	Added new Chapter 35.64
Ordinance 4692 08ORD-00009	10/02/2008	35.14.020, 35.26.020, 35.26.030, 35.26.040, 35.26.060, 35.30.070, 35.34.090, 35.42.030, 35.42.050, 35.42.060, 35.42.230, 35.42.260, 35.104.090
Ordinance 4707 08ORD-00017	02/24/2009	35.14.020, 35.23.020, 35.23.030, 35.23.050, 35.23.130, 35.34.060, 35.36.100, 35.42.060, 35.82.210,
Ordinance 4714 09ORD-00001	07/07/2009	35.20.040, 35.30.160, 35.102.040, 35.100
Ordinance 4718 09ORD-00005	07/07/2009	35.106.020, 35.106.030, 35.106.050, 35.106.060, 35.106.080
Ordinance 4722 09ORD-00008	07/14/2009	35.84.030
Ordinance 4729 09ORD-00010	10/06/2009	35.28.080, 35.28.210, 35.30.120
Ordinance 4750 09ORD-00009	06/01/2010	35.20.040, 35.21.030, 35.21.050, 35.30.070, 35.42.020, 35.42.030, 35.42.230, 35.110.020
Ordinance 4777 10ORD-00003	12/14/2010	35.30.090, Chapter 35.57, 35.110.020
Ordinance 4779 08ORD-00011	02/15/2011	35.14.020, 35.20.030, 35.24.020, 35.24.030, 35.24.070, 35.28.080, 35.28.210, 35.34.070, 35.36.050, 35.36.060, 35.36.110, 35.42.260, 35.82.070, 35.82.190, 35.110.020
Ordinance 4787 11ORD-00005	05/17/2011	35.42.260, 35.44.010, 35.110.020
Ordinance 4806 11ORD-00029	11/01/2011	35.20.030, 35.42.195 (added), 35.110.020
Ordinance 4809 11ORD-00012	11/01/2011	35.20.030, 35.20.040, 35.21.030, 35.23.050, 35.24.030, 35.24.080, 35.36.100, 35.42.060, 35.42.240, 35.42.260, 35.52.040, 35.52.050, 35.53.080, 35.56.160, 35.80.020, 35.80.030, 35.82.060, 35.82.080, 35.82.110, 35.82.130, 35.82.160, 35.82.190, 35.84.030, 35.84.040, 35.106.020, 35.110.020
Ordinance 4813 11ORD-00024	12/06/2011	35.84.030
Ordinance 4817 11ORD-00022	12/06/2011	35.52.040, 35.52.050, 35.110.020
Ordinance 4828 11ORD-00017	03/13/2012	Chapter 35.89 (new), 35.102.040, 35.110.020
Ordinance 4851	04/09/2013	35.30.025 (new), 35.110.020, Appendix I (new)

Ordinance & Case Number	Board of Supervisors Adoption Date	Amended Sections
12ORD-00011		
Ordinance 4856 13ORD-00002	06/04/2013	35.42.190, 35.80.020, 35.110.020
Ordinance 4880 11ORD-00032	04/01/2014	35.14.020, 35.20.020, 35.23.050, 35.26.040, 35.28.100, 35.28.110 (deleted), 35.28.175 (new), 35.30.070, 35.30.120, 35.36.050, 35.36.080, 35.42.230, 35.42.260, 35.82.060, 35.82.070, 35.82.080, 35.82.130, 35.101.030, 35.110.020
Ordinance 4882 13ORD-00008	04/15/2014	35.21.030, 35.23.050, 35.24.030, 35.24.050, 35.25.030, 35.26.030, 35.30.150, 35.36.080, 35.23.100, 35.42.020, 35.42.060, 35.82.060, 35.82.080, 35.82.160, 35.84.030, 35.101.030, Chapter 35.104, 35.106.020, 35.106.030 (deleted), 35.106.040 (deleted), 35.106.050, 35.106.070, 35.106.075 (new), 35.106.080, 35.110.020
Ordinance 4886 14ORD-00001	05/06/2014	35.23.050, 35.28.210, 35.30.090, 35.30.120, 35.36.050, 35.38.140, 35.42.020, 35.82.060, 35.82.070, 35.82.080, 35.82.200, 35.110.020
Ordinance 4894 11ORD-00016	07/08/2014	35.42.040, 35.110.020
Ordinance 4900 10ORD-00001	10/07/2014	35.21.030, 35.59 (new), 35.110.020
Ordinance 4901 10ORD-00001	10/07/2014	35.28.210
Ordinance 4940 11ORD-00015	10/20/2015	35.26.020, 35.26.030, 35.26.040, 35.26.050, 35.28.090 (deleted), 35.28.100, 35.28.170, 35.30.120, 35.36.050, 35.36.120, 35.42.060, 35.44.010, 35-82.070, 35.110.200
Ordinance 4946 15ORD-00012	11/03/2015	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.37 (new), 35.42.135 (new), 35.80.020, 35.102.020, 35.102.040, 35.106.020, 35.110.020
Ordinance 4962 15ORD-00002	05/03/2016	35.20.030, 35.20.040, 35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.28.060, 35.28.070 (deleted), 35.28.120, 35.28.130 (deleted), 35.28.180 (deleted), 35.28.190 (deleted), 35.28.200 (deleted), 35.30.040 (deleted), 35.30.110, 35.42.030, 35.42.090, 35.42.150, 35.42.195, 35.42.230, 35.42.260, Chapter 35.54-51 (deleted), Chapter 35.54 (deleted), 35.60.030 (deleted), 35.60.040, 35.60.050 (deleted), 35.60.060 (deleted), 35.60.070 (deleted), 35.60.080 (deleted), 35.60.090, 35.62.030 (deleted), 35.82.050 (deleted), 35.82.060, 35.102.060 (deleted), 35.110.020, Appendix C (deleted), Appendix D (deleted)
Ordinance 4977 16ORD-00006	09/20/2016	35.23.050, 35.23.060, 35.36.050
Ordinance 4982 13ORD-00006	11/08/2016	35.14.020, 35.21.030, 35.21.050, 35.21.060, 35.22.020, 35.22.030, 35.22.040, 35.22.050, 35.28.040 (deleted), 35.28.070 (added), 35.28.100, 35.28.210, 35.30.120, 35.42.040, 35.42.050, 35.42.100, 35.42.140, 35.42.240, 35.82.070, 35.110.020
Ordinance 5003 17ORD-00002	06/20/2017	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.42.090, 35.110.020
Ordinance 5014 16ORD-00009	10/03/2017	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.36.060, 35.42.193 (added), 35.42.245 (added), 35.110.020
Ordinance 5027 17ORD-00004	02/27/2018	35.21.030, 35.22.030, 35.23.030, 35.24.030, 35.25.030, 35.26.030, 35.42.075 (added), 35.42.195 (deleted), 35.110.020, Appendix J (added)
Ordinance 5034 17ORD-00016	03/13/2018	32.24.070
Ordinance 5044 18ORD-00007	05/15/2018	35.20.040, 35.82.070, 35.101.020, 35.101.030, 35.110.020

Ordinance & Case Number	Board of Supervisors Adoption Date	Amended Sections
Ordinance 5055 16ORD-00014	08/14/2018	35.20.040, 35.21.030, 35.21.050, 35.22.030, 35.23.030, 35.23.050, 35.24.030, 35.24.050, 35.26.030, 35.26.040, 35.28.210, 35.30.025, 35.30.090, 35.30.150, 35.36.050, 35.36.080, 35.42.015 (new), 35.42.020, 35.42.030, 35.42.150, 35.42.230 (deleted), 35.76.060, 35.82.070, 35.82.130, 35.101.030, 35.102.020, 35.106.050, 35.110.020
Ordinance 5068 18ORD-00002	12/11/2018	35.21.030, 35.42.030, 35.42.260, 35.110.020
Ordinance 5080 17ORD-00005	04/09/2019	35.20.040, 35.21.030, 35.42.140, 35.110.020
Ordinance 5084 19ORD-00001	07/09/2019	35.42.075

APPENDIX B

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING MEASURE A96 - VOTER APPROVAL INITIATIVE

The following guidelines are intended to clarify and assist with the implementation of the Voter Approval Initiative, Measure A96, as approved by the electorate on March 26, 1996. Pursuant to the mandate of the initiative as incorporated in [Article 35.5 \(Oil and Gas, Wind Energy and Cogeneration Facilities\)](#), "any legislative approvals which would authorize or allow the development, construction, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) shall not be final unless such authorization is approved, in the affirmative, by a majority of the votes cast by the voters of the County of Santa Barbara in a regular election.

- 1. Legislative Acts** - Only those onshore support projects requiring legislative acts are subject to referendum. Acts by local legislatures (the Board of Supervisors) that are "administrative", "executive", or "quasi-judicial" are not subject to referendum. Whether an action is "legislative" or not is determined by the courts on a case-by-case basis, considering legal principles and applicable facts and circumstances. The basic definitions are:

An action is "legislative" if it prescribes new policy or plan.

An action is "administrative" if it applies existing policy.

- General Plan amendments and rezones are legislative actions.
 - Not all discretionary actions by the Board of Supervisors are legislative. The granting of discretionary permits, decisions on appeals, and similar actions are discretionary actions but are not usually legislative actions.
 - Development Plan approvals are not ordinarily legislative actions. A Development Plan may be a legislative action if it makes major land use changes or prescribes new policy or plan. Although Development Plans are listed as types of legislative approvals subject to voter approval under Measure A96, only those Development Plans that as a matter of law are "legislative actions" may constitutionally be subject to referendum.
 - Projects which are determined to be "exempt" from County permits, even if the exemption leads to a change in use or intensity, are administrative actions under California law and are not subject to referendum. Similarly, decisions that a project is entitled to a zoning variance are typically not considered legislative acts. Determinations as to "vested rights" under existing permits are quasi-judicial decisions not subject to referendum.
 - Repair and maintenance projects are processed administratively under Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development) of the Development Code and do not require legislative approvals.
 - Limited Exception Determinations for nonconforming industrial uses granted pursuant to [Section 35.82.120 \(Limited Use Determinations\)](#) or other similar permits for minor modifications that do not expand or extend the life of an existing facility are not legislative approvals.
- 2. Onshore Support Facilities** - Measure A96 voter referenda apply solely to legislative approvals of onshore support facilities, defined in the initiative as: "...any land use, installation, or activity proposed to effectuate or support the exploration, development, production, storage, processing, or other activities

related to offshore energy resources."

Onshore support facilities include those which, by their nature, are specific and directly related to offshore oil and gas development, but do not include facilities incidental or indirectly related to onshore support of offshore energy resource activities. The determination of whether a particular facility requiring a legislative approval is incidental or indirect, is subject to a case-by-case review.

- Measure A96 applies to onshore support facilities within the South Coast area, defined as Point Arguello to the Ventura border. Projects north of Point Arguello are not subject to voter referendum, nor are projects within the inland portion of the Montecito Community Plan area.
- Measure A96 does not apply to projects within cities or on other lands exempt from the County's Development Code pursuant to [Section 35.10.040 \(Applicability of the Development Code\)](#).
- Onshore pipeline projects are specifically exempt from Measure A96.
- Onshore support facilities that are located entirely within the existing approved consolidated oil and gas processing sites at Las Flores Canyon or Gaviota are specifically exempt from Measure A96. The approved consolidated oil and gas processing sites for Measure A96 purposes are defined as any and all land within those parcels designated as of June 13, 1995 as APN 81-220-14, 81-230-19 (Las Flores Canyon), or 81-130-07, 81-130-52, and 81-130-53 (Gaviota).

3. Procedures for Implementing Measure A96 - Elections to consider Board-approved projects would occur at the next regular election according to timelines provided in the California Elections Code.

The California Coastal Commission must certify any changes to the Local Coastal Program. Therefore, the order of "actions" on an onshore support facility project that is determined to be subject to Measure A96 would be:

- (1) Board of Supervisors approval;
- (2) Project consideration by the voters of Santa Barbara County;
- (3) Project consideration by the California Coastal Commission.

Under the California Coastal Act, the Coastal Commission can review Board denials of oil and gas projects and may consider amending the Local Coastal Program if the County elects not to, provided certain findings can be made under Public Resources Code Section 30515. If the voters reject a Board-approved Local Coastal Program amendment of energy facility development, the project proponent may request approval of the amendment by the Coastal Commission. Actions by the California Coastal Commission are not subject to voter approval pursuant to Measure A96.

APPENDIX C

RESERVED

APPENDIX D

RESERVED

APPENDIX ~~E~~C

GUIDELINES FOR MINOR CHANGES TO ~~COASTAL DEVELOPMENT PERMITS AND LAND USE PERMITS~~

The following guidelines shall be used by the Department to determine if a minor change to an approved or issued ~~Coastal Development Permit or Land Use Permit~~ can be allowed without requiring a new permit.

1. The proposed change would otherwise be exempt from Design Review pursuant to [Section 35.82.070 \(Design Review\)](#).
2. The proposed change would otherwise be exempt from a ~~Coastal Development Permit or Land Use Permit~~ pursuant to [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#).
3. The project has not been the subject of substantial public controversy or interest and there is no reason to believe that the proposed change has the potential to create substantial controversy.
4. The change does not increase the height of the roof ridgeline.
5. The change would not be counter to design direction provided by the applicable Board of Architectural Review.
6. If the site is one acre or less, the footprint of the structure may not be moved more than five percent closer to the property line. If the site is more than one acre, the footprint of the structure may not be moved more than 10 percent closer to the property line.
7. The change does not result in the removal of a specimen trees.
8. The change does not affect easements for trails, public access, or open space.
9. The change does not increase the required number of parking spaces.

If the proposed “minor” change does not conform to the guidelines identified above, the applicant should apply for a new planning permit.

APPENDIX ~~F~~D**GUIDELINES FOR TELECOMMUNICATIONS SITES
IN RURAL AND INNER-RURAL AREAS**

These guidelines implement the requirements contained in Development Code for telecommunication sites. Special circumstances may dictate deviation from these guidelines based on recommendations of the applicable Board of Architectural Review and the determination of the review authority.

A. Site Design.**1. Berming/Bunkering.**

- a. If ground equipment cannot be screened by natural topography and/or existing vegetation, and the provision of new landscape screening is not considered feasible or appropriate, the equipment areas may be screened through the use of bunkers, low berms, or a combination of both.
- b. Bunker walls should not be visible from public viewing areas.
- c. Low berms (two to three) may be used on sides of the facility visible from public roadways. The berms should be naturally contoured using excess cut material from the site.
- d. Any berming and/or bunkering should avoid impacts to existing vegetation and should not create additional erosion problems.
- e. The antennas should be located out of the skyline as much as possible (move downslope).

2. Fencing.

- a. All fencing should be made out of material that blends into the surrounding terrain and should not create any visual impacts.
- b. Per the communication ordinance standards, the general public shall be excluded from the facility.
- c. If a site is not accessible to the general public, the Department may not require security fencing. A low cattleguard should be considered to keep range animals out of the facility. The cattleguard should be constructed out of the smallest diameter pipe possible.
- d. If the lease area is accessible to the general public, security fencing, such as chain link, should be used. The fencing should be no higher than five feet above finished grade.
- e. Solid inserts in the fencing will be discouraged.

3. Access Roads. The creation of new access roads or substantial improvement of existing roads as a direct result of the telecommunication project will be discouraged.**4. Lighting.** Lighting of the facility, other than lighting for emergency repairs, will be discouraged.**5. Signage.** If signs are required for the project, such as directional signs per Fire Department recommendations, then the signs should be as small as possible and placed in locations not readily seen from public viewing areas, if possible.**6. Vegetation.**

- a. Site design should minimize impacts to existing vegetation.
- b. Disturbed areas (e.g. trenches, berms, cuts), or areas that require erosion control, should be revegetated with a seed mix/plantings compatible with the surrounding vegetation. A temporary irrigation system may be required.
- c. If landscaping is required for screening purposes, the landscaping should consist of long lived plant species native to that area. The planting of exotic species is discouraged. A

permanent or temporary irrigation system may be required.

B. Collocation/Trenching.

1. If a site has existing carriers, it is preferable to have the new facility tie into existing electric and/or telephone pedestals of the existing carriers at the lease site as opposed to trenching from the closest utility lines. This is not always possible and requires the cooperation of competitors.
2. If a significant amount and distance of trenching must occur, then it should be confined to previously disturbed areas or follow the existing access road and should contain extra conduit for future expansion by other carriers.
3. If a utility trench is located in a constrained area (e.g. steep slopes, sensitive resources, highly visible area, other underground utilities), the location of the trench may be marked and reviewed in the field in order to minimize impacts to the sensitive resources and/or to avoid conflicts with other utilities.

C. Visual Impacts.

1. Colors

- a. The color of the facility should match the backdrop from the most visible public viewpoint.
- b. The color of the at-grade equipment that is not visible in the skyline should match the color of the surrounding vegetation that predominates for the majority of the year.
- c. If an existing facility is located at the proposed lease site, and the existing facility has a color scheme that successfully reduces visual impacts, then the existing facility should serve as a guide for the color scheme of the proposed facility.
- d. Equipment visible against the skyline should in most cases be a medium grayish color. A sky blue color should only be used with caution since it tends to be more visible on overcast or foggy days.
- e. Color schemes (all flat colors; equivalent colors from any paint manufacturer may also be used):
 - (1) Antennas/equipment visible against skyline = gray (e.g. Dutch Boy “Marblehead” (32-V-2), Frazee “Tradewind” (8641W), or Frazee “Dusty Miller” (8634M).
 - (2) Equipment (including fencing), and in some cases, antennas within an oak woodland, or other dark green vegetation = Dark green (e.g. Frazee “Blackened Beam (8646N), Frazee “Greek Olive” (8656N), or Frazee “Potting Shed” (8666N).
 - (3) Equipment (including fencing), and in some cases, antennas within a grassland (example, ridges around Los Alamos and Los Olivos) = green/tan (e.g. Frazee “Wild Grasses” (8175D), Frazee “Backpack” (8664M), or Frazee “Muddy River” (8674M).
 - (4) Equipment (including fencing), and in some cases, antennas within a savannah (example, hills south of Lompoc) = green/gray (e.g. Frazee “Muddy River” (8674M).
- f. The least visually obtrusive support structure as viewed from the most visible public viewpoint should be used. Natural wood poles, steel poles, concrete poles, or lattice towers are all acceptable support structures. The review authority would ultimately determine the appropriate support structure for a particular site with recommendations from staff.
- g. If organic or mineral mulch and/or riprap are used within the lease area, the material should match, or be compatible with, the color of the ground surface. For example, the use of white rock on a tan ground surface would be discouraged.
- h. If temporary or permanent irrigation is required, all above ground equipment (i.e. water tanks) should be painted the same color as the facility so as not to create new visual impacts.

APPENDIX **GE**

ORCUTT PILOT PROGRAM

The purpose of this questionnaire is to determine whether the proposed project requires the issuance of a Land Use Permit or a Zoning Clearance for projects proposed in the Orcutt Community Plan area.

- 1. New home on a vacant lot:** Is this an application for a new home located on a vacant lot in a subdivision tract that was approved after January 1, 1990? *Note* - Does not apply to an addition to an existing home, or the demolition and reconstruction of a home.

If yes, immediately consult with a Planning and Development planner because a Zoning Clearance is all that is necessary assuming the project complies with the tract map conditions and zoning ordinance requirements.

If no, continue with the rest of the checklist.

Yes No

- 2. Old Town Orcutt:** Is your project located in Old Town Orcutt (see Figure 1, Old Town Orcutt).

If yes, immediately consult with a Planning and Development planner to see if approval by the Old Town Orcutt Board Architectural Review is required. If OTBAR review is required, a Land Use Permit is required.

If no, continue with the rest of the checklist.

Yes No

- 3. Two or three story homes:** Does your project propose a new two- or three- story home or a second or third story addition?

If yes, immediately consult with a Planning and Development planner because a Land Use Permit is required.

Yes No

- 4. Agriculture:** Is your project located adjacent to land zoned or used for agricultural (see Figure 2, Orcutt Agricultural Lands).

Yes No

If yes, immediately consult with a Planning and Development planner because a Land Use Permit may be required.

If no, continue with the rest of the checklist.

Yes No

- 5. Airport Zones:** Is your project located in the Airport Safety Zones (see Figure 3, Airport Safety Zones).

If yes, immediately consult with a Planning and Development planner because a Land Use Permit may be required.

If no, continue with the rest of the checklist.

Yes No

- 6. Biological Resources:** Does your property have significant biological resources such as:

- A. The project site is within or adjacent to significant vegetation (see Figure 4, Significant Vegetation).
- B. The proposed development would remove native trees over six feet in height or non-native trees with a 25 inch or greater diameter at breast height.
- C. The proposed development includes the construction of structures within a wetland, or the

construction of roads over a creek or stream corridor.

- D. The proposed development is set back less than 50 feet from the outside edge of riparian vegetation and the top of creek bank (as defined by County Flood Control standards). Drainage plans direct polluting drainage away from the creek or include appropriate filters and erosion and sedimentation control plans are proposed during construction.
- E. The proposed development includes the construction of roads over a creek or stream corridor.

If yes, immediately consult with a Planning and Development planner because a Land Use Permit is required.

If no, continue with the rest of the checklist.

Yes No

- 7. Flooding & Drainage:** Is your project located adjacent to Orcutt or Pine Creeks (see Figure 5, Orcutt Flood Hazard Areas).

If yes, immediately consult with a Planning and Development planner because a Land Use Permit is required.

If no, continue with the rest of the checklist.

Yes No

- 8. Geology, Topography & Soils:** Does your property have significant geologic, topographic and/or soils hazards, e.g.:

- A. The proposed development is located within 50 feet of an active or potentially active fault (see Figure 6, Geologic Formations).
- B. The proposed development drains to the rear of the lot.
- C. The proposed development is located on slopes of more than 20% (See definition of slope).
- D. The depth of the proposed cut and fill is greater than three feet.
- E. The proposed development involves more than 100 cubic yards of grading.

If yes, immediately consult with a Planning and Development planner because a Land Use Permit is required.

If no, continue with the rest of the checklist.

Yes No

- 9. Noise:** Is your project located in an area that currently exceeds the 65 dB(A) CNEL noise level (see Figure 7, Noise Levels - Buildout).

If yes, immediately consult with a Planning and Development planner because a Land Use Permit is required.

If no, continue with the rest of the checklist.

Yes No

- 10. Open Space:** Is your project located within or adjacent to an Open Space Area designated on the Orcutt Community Plan (see Figure 8, Open Space).

If yes, immediately consult with a Planning and Development planner because a Land Use Permit may be required.

If no, continue with the rest of the checklist.

END OF CHECKLIST - Please consult with Planning and Development staff to confirm your answers and submit the appropriate application for either a Zoning Clearance or Land Use Permit.

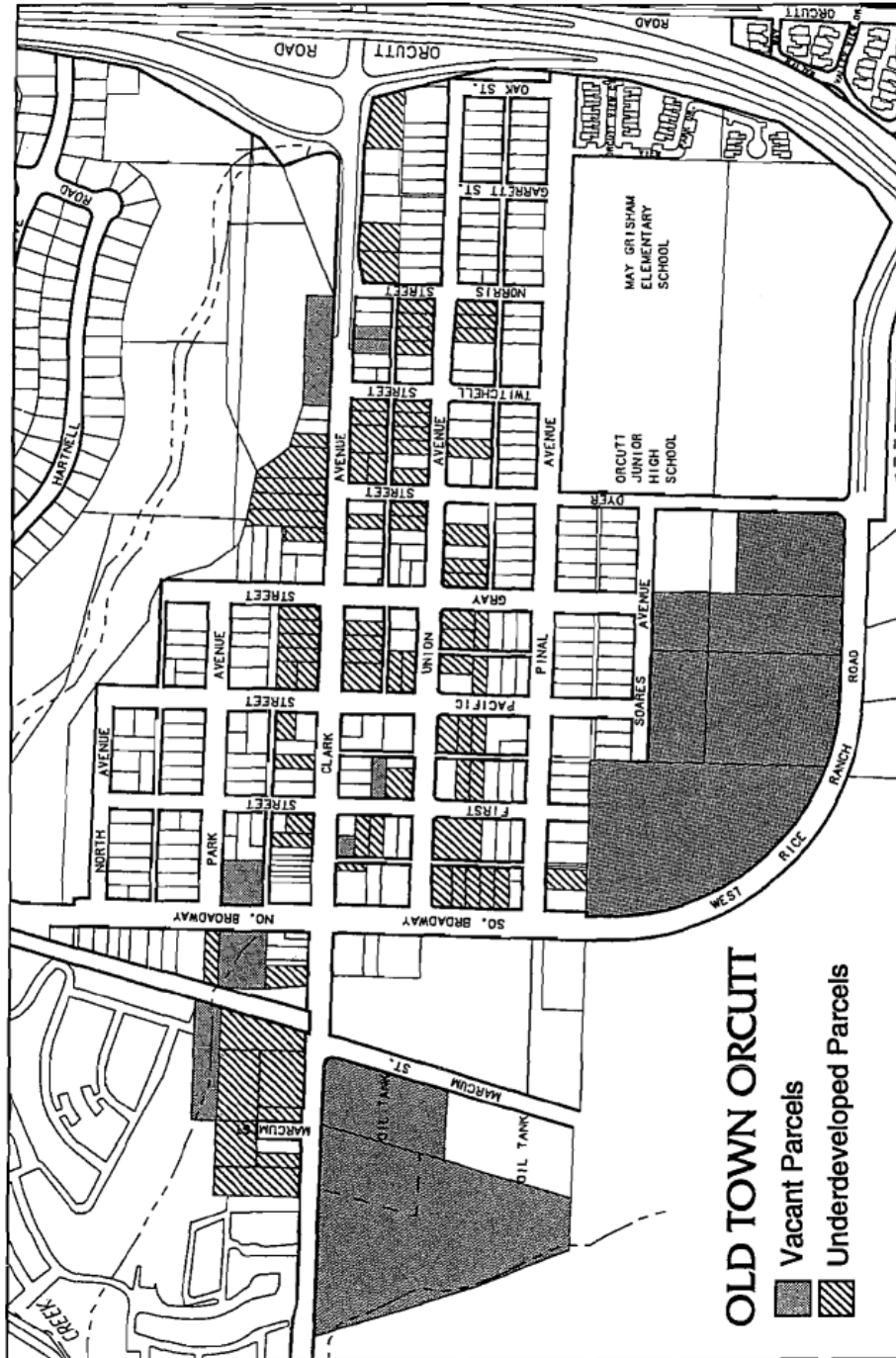


Figure 1 - Old Town Orcutt
See corresponding figure (Figure 9) in Orcutt Community Plan

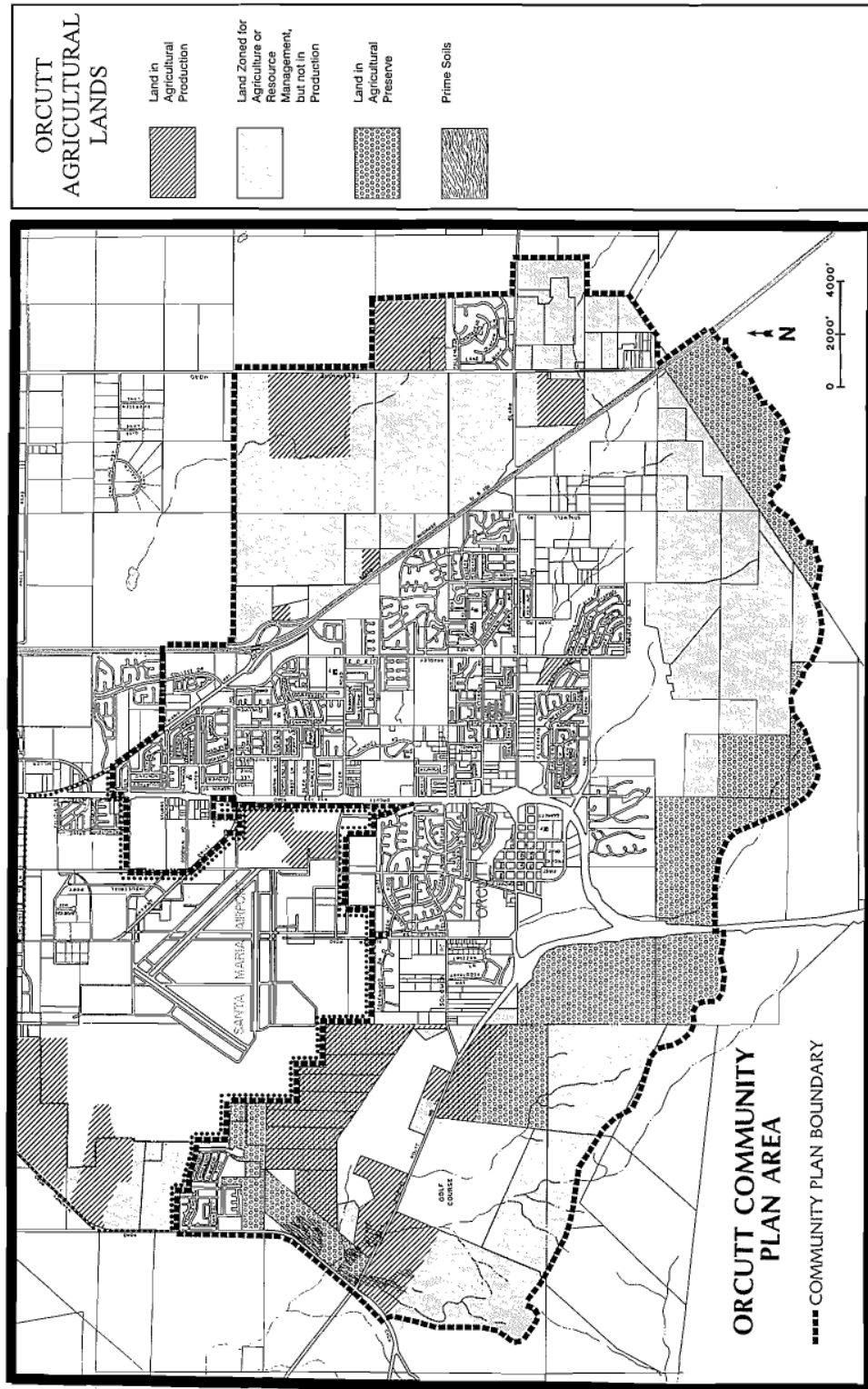


Figure 2 - Orcutt Agricultural Lands
 See corresponding figure (Figure 11) in Orcutt Community Plan

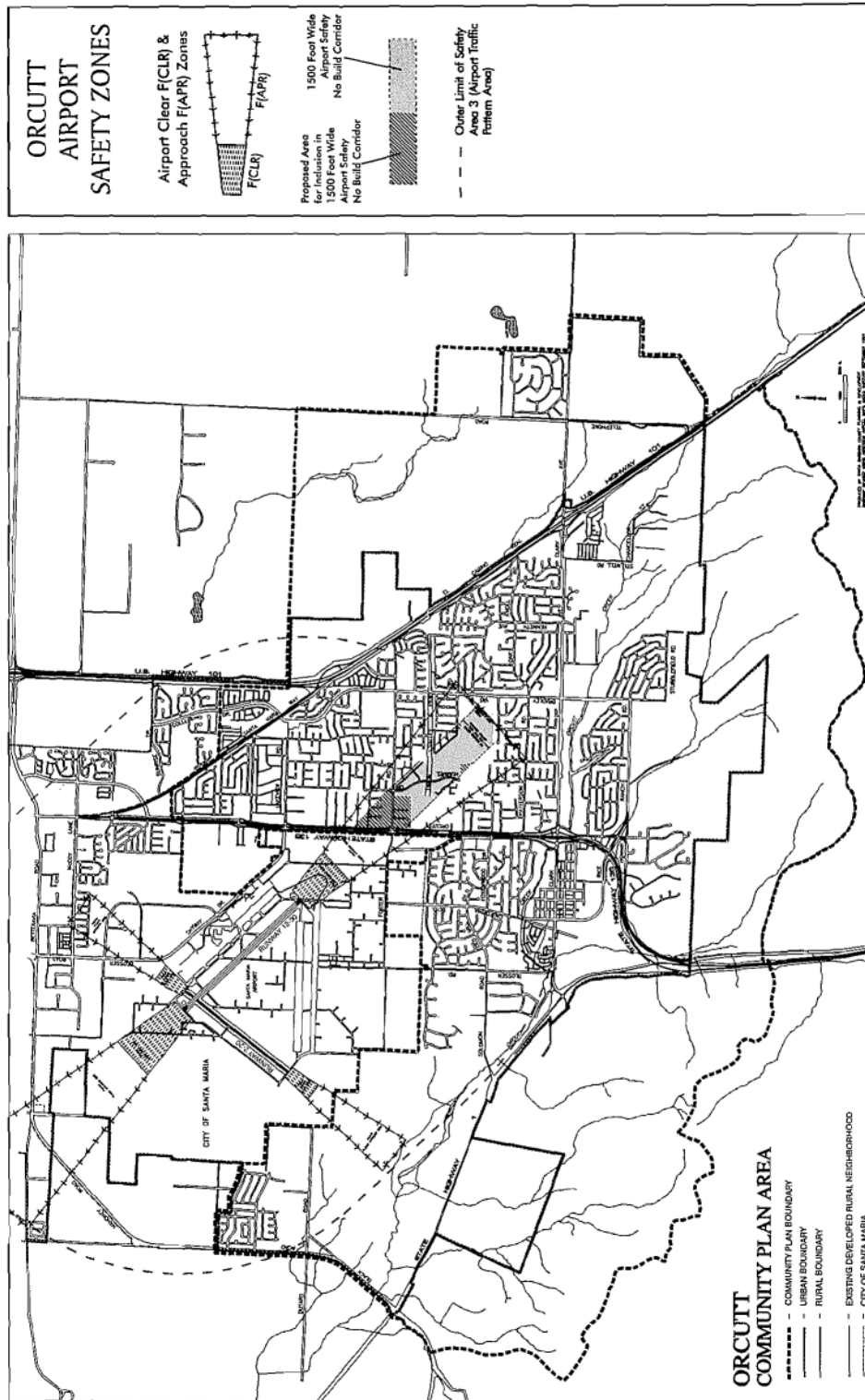


Figure 3 - Airport Safety Zones
See corresponding figure (Figure 37) in Orcutt Community Plan

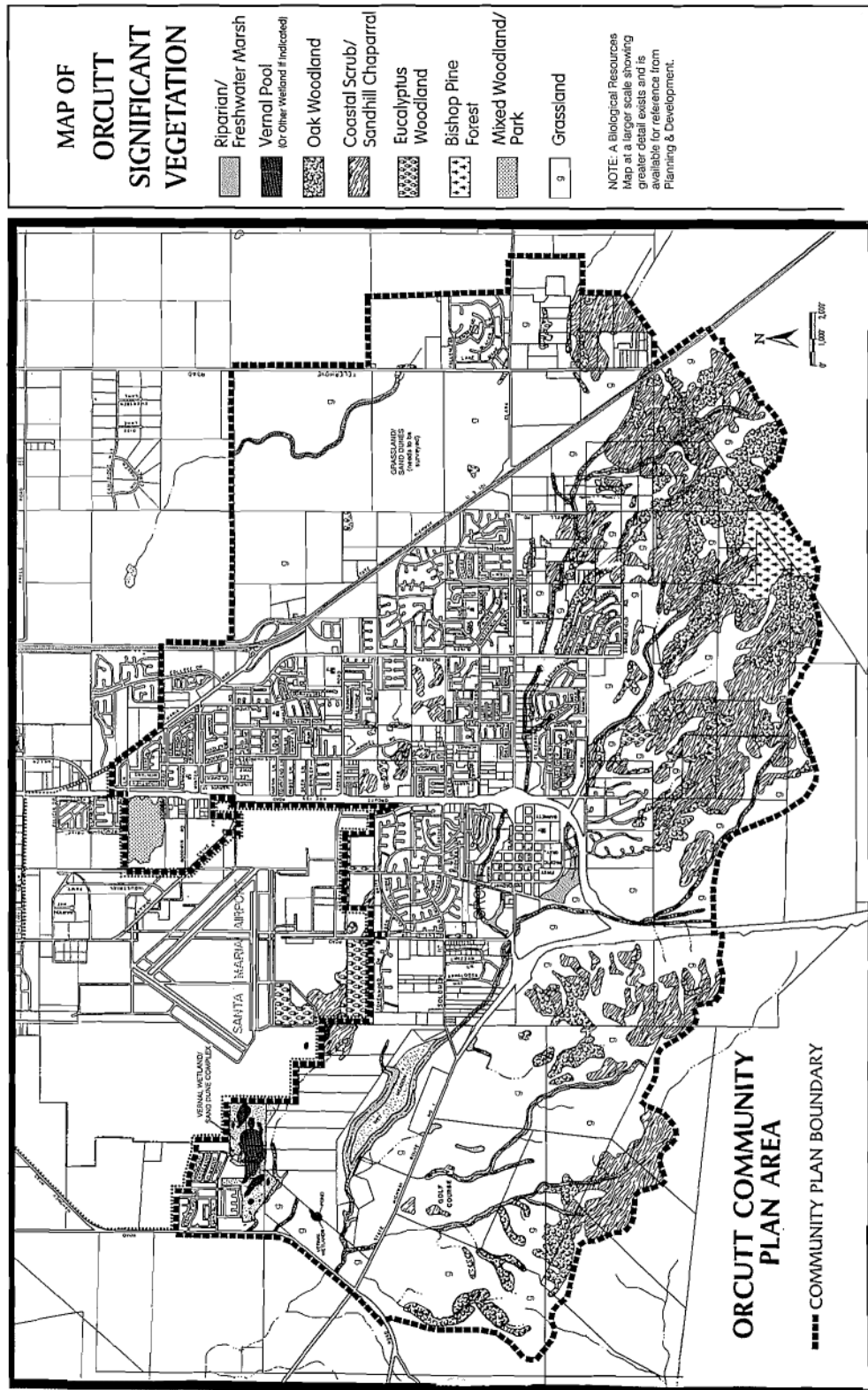


Figure 4 - Significant Vegetation
 See corresponding figure (Figure 24) in Orcutt Community Plan

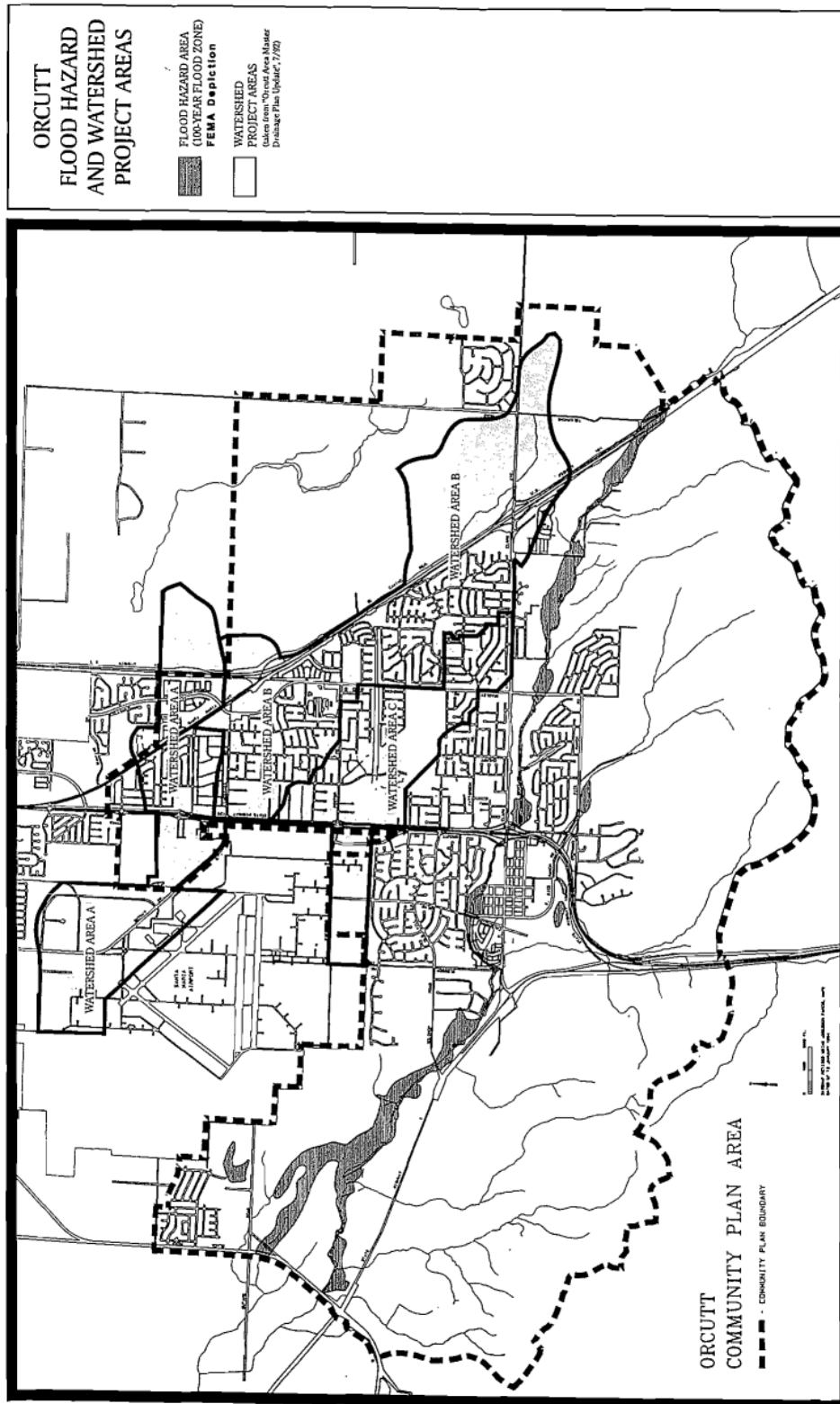


Figure 5 - Orcutt Flood Hazard Areas
See corresponding figure (Figure 27) in Orcutt Community Plan

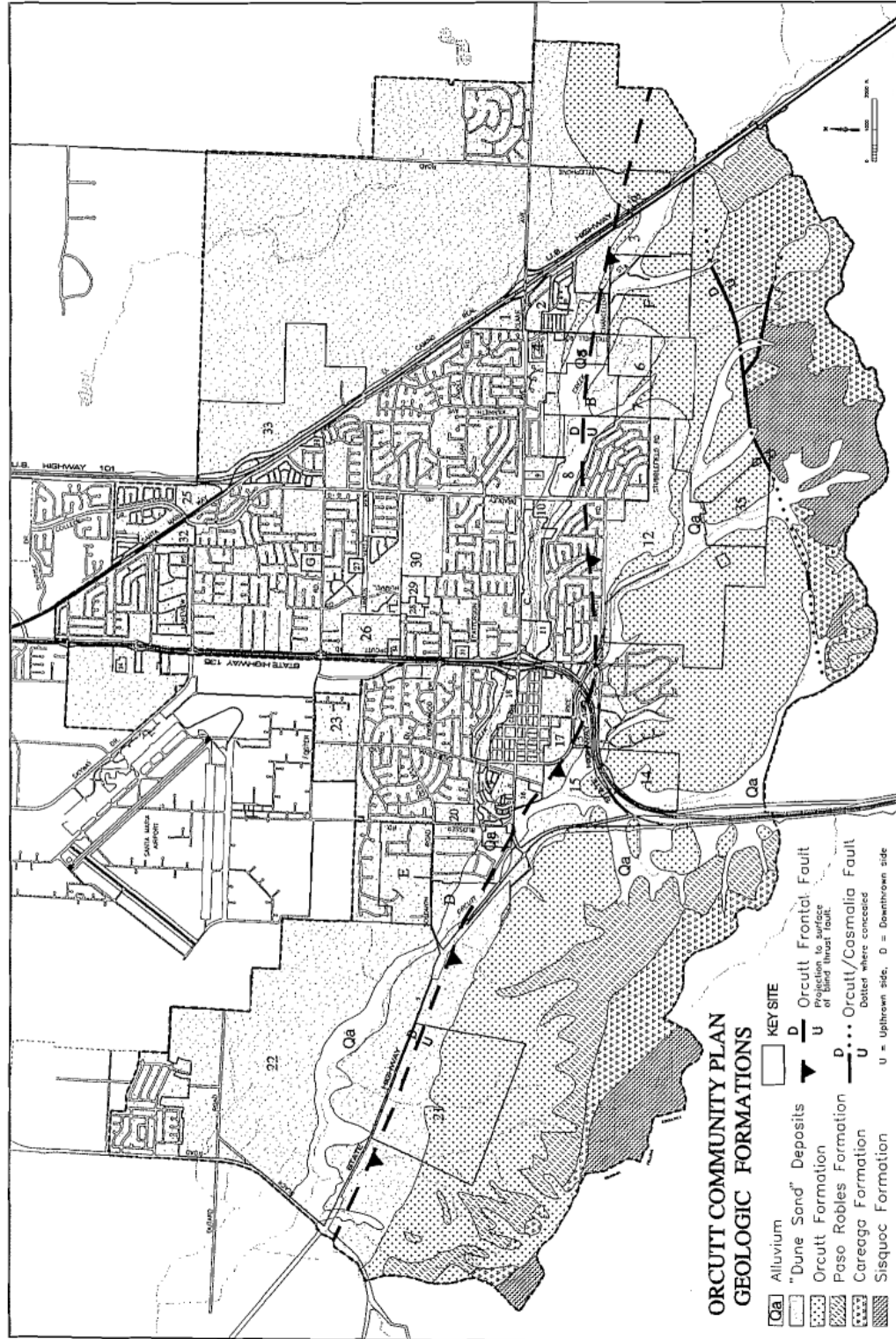


Figure 6 - Geologic Formations
See corresponding figure (Figure 33) in Orcutt Community Plan

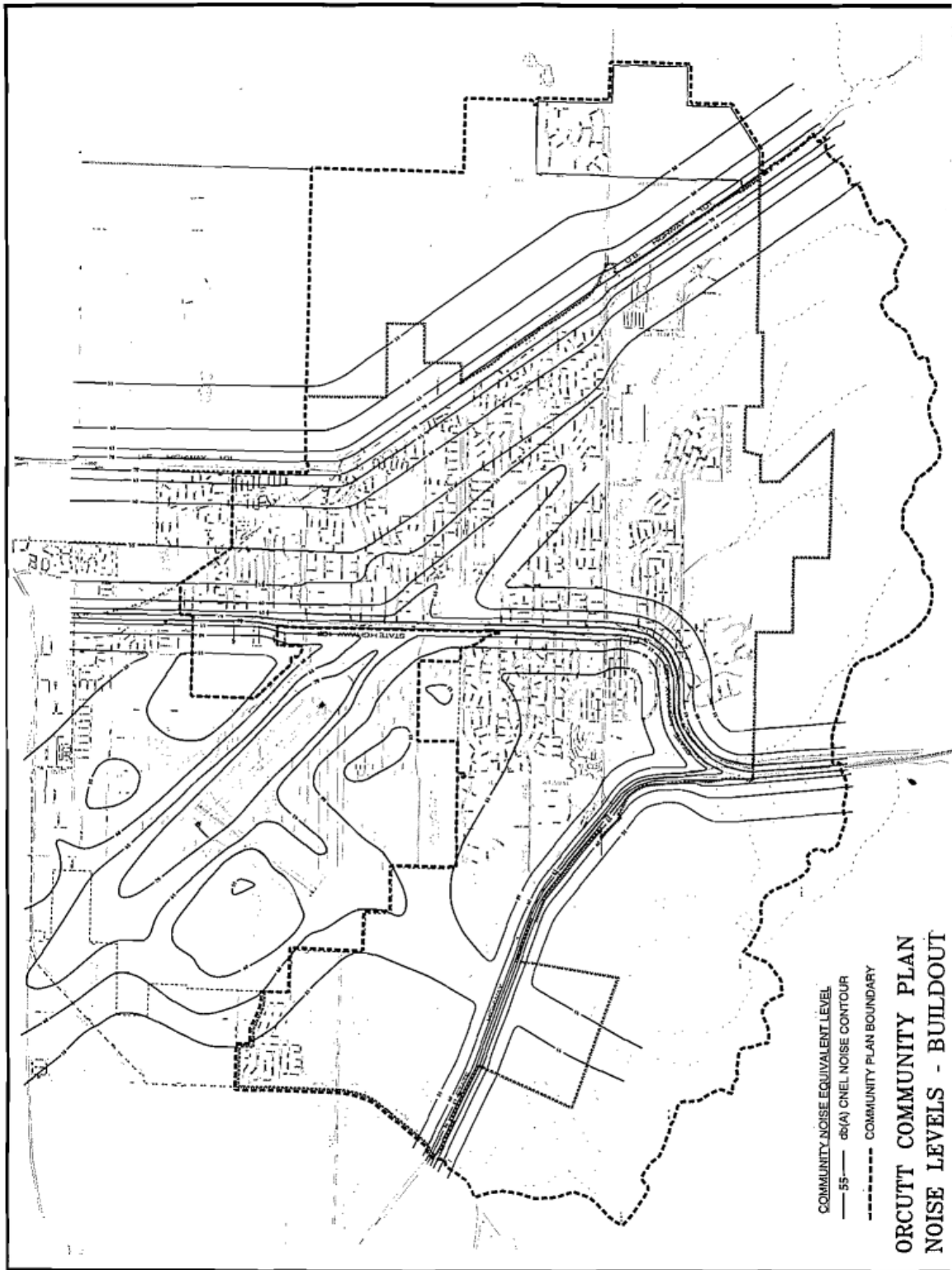


Figure 7 - Noise Levels - Buildout
See corresponding figure (Figure 35) in Orcutt Community Plan

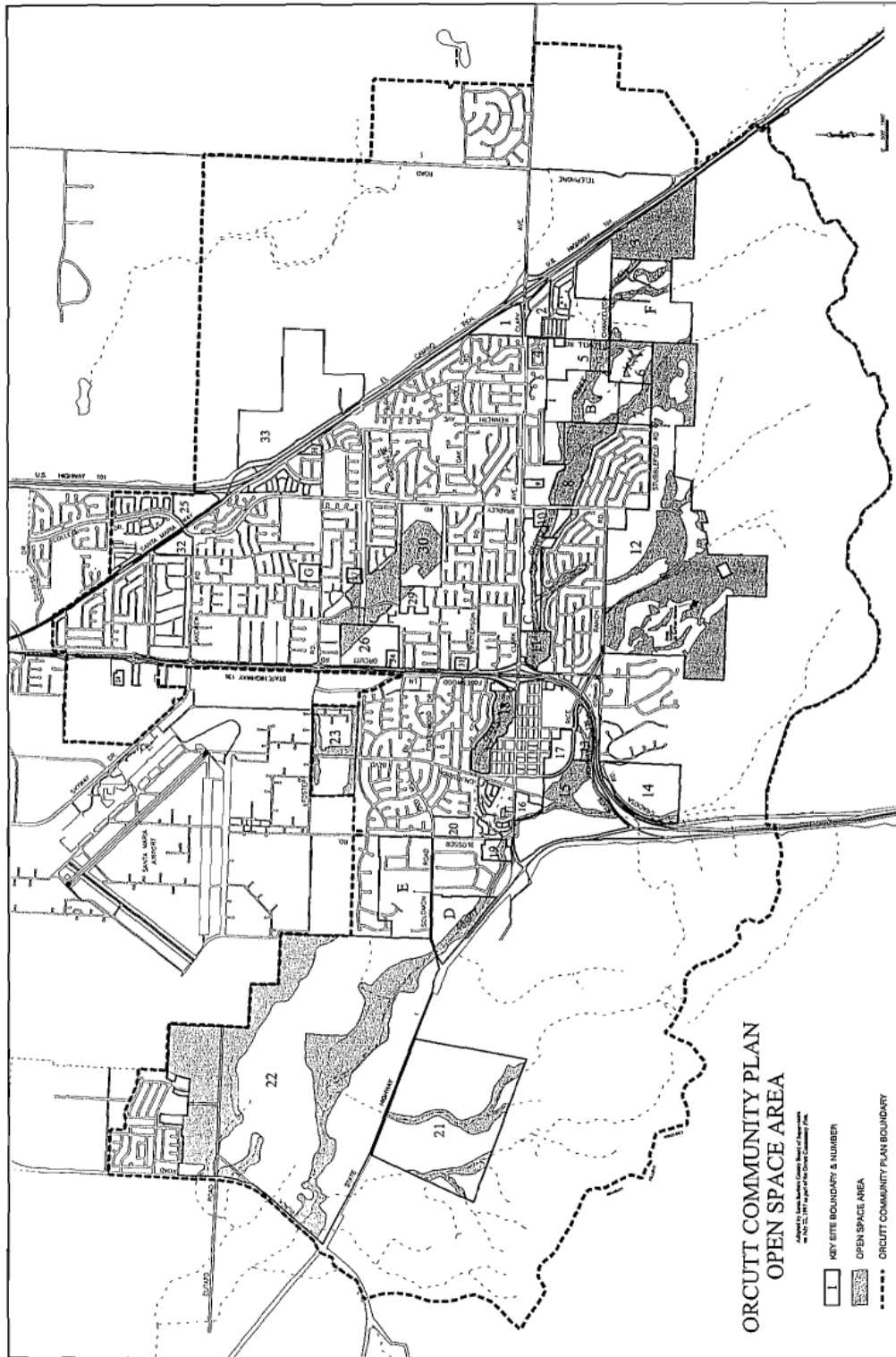


Figure 8 - Open Space
See corresponding figure (Figure 16) in Orcutt Community Plan

APPENDIX **HF**

SUBSTANTIAL CONFORMITY DETERMINATION GUIDELINES

On occasion, an applicant requests slight deviations from an approved action in order to carry out a project. The County Development Code allows certain types of alterations from an approved project, following a determination of substantial conformity.

Procedure:

1. Applicant obtains an application for a Substantial Conformity Determination at the Department and pays applicable fees which may vary depending on the complexity of the request.
2. The Department reviews the project description that was considered at the time of project approval.
3. The Department considers key issues:
 - a. Has the project been the subject of substantial public controversy, or is there reason to believe the change is likely to create substantial public controversy?
 - b. Will the deviation result in a change to the project that would alter the scope and intent of the project the review authority acted on?
 - c. Would the deviation alter the public's perception of the project?
 - d. Would the deviation result in environmental effects not analyzed or discussed at the time of project approval and/or result in the need for additional mitigation measures?

If the answer to any of these basic questions is "yes", the Director cannot make a determination of substantial conformity.
4. The Department compares the request with established criteria. Listed below are criteria developed to assist in determining whether proposed changes to approved projects are in substantial conformity with the approved plans.
 - a. Does not conflict with project conditions of approval and/or recorded map conditions.
 - b. Does not result in health or safety impacts.
 - c. That the project facilities, operating procedures, environmental impacts, safety impacts, and the project's compliance with policies are substantially the same as those considered in the previous permit issued by the Director.
 - d. That the changes proposed can be effectuated through existing permit conditions.
 - e. That the impacts and changes do not alter the findings that the benefits of the project outweigh the significant unavoidable environmental effects made in connection with the original approval.
 - f. Does not result in an increase of 1,000 sq. ft. or more than 10 percent of building coverage of new structures over total project approvals, whichever is less.
 - g. Is clearly exempt from environmental review or was evaluated in the environmental review document prepared for the project and there are no new significant impacts related to the project change.

-
- h. Does not require the removal of specimen trees or impact areas defined in the project environmental document as sensitive or designated as areas prohibiting structures.
 - i. Is consistent with Comprehensive ~~and/or Coastal~~ plan policies and Development Code requirements.
 - j. Does not result in more than 1500 cubic yards of net cut and/or fill ~~outside of the Coastal Zone, or 50 cubic yards within the Coastal Zone~~, and avoids slopes of 30% or greater, unless these impacts were addressed in the environmental assessment for the project and mitigation measures were imposed to mitigate said impacts and the proposal would not compromise the mitigation measures imposed or result in additional environmental impacts.
 - k. Is located within the same general location as, and is topographically similar to, approved plans. The location shall not be moved more than 10 percent closer to a property line than the originally approved development.
 - l. Does not result in an overall height which is greater than 10 percent above the approved height. The project must remain consistent with height requirements of the zone.
 - m. Receives Design Review approval for landscaping and structures, if necessary.
 - n. Does not result in intensification of use; e.g., no new employees, no increases in traffic, if these were important to the previous environmental/policy analysis.
 - o. Does not affect easements for trails, public access, or open space.
5. Depending on the degree of complexity for a substantial conformity determination request, the project manager takes action as follows:
 - a. If a Substantial Conformity Determination request is minor, (e.g., no additional conditions are required, is not controversial, does not alter the intent of the decision-makers action, with approval from their supervisor), the Director issues the appropriate permit (~~Coastal Development Permit or Land Use Permit~~).
 - b. The Department prepares a letter outlining the changes to be made and why they are being approved. The letter must be reviewed and signed Director.
 6. If a Substantial Conformity Determination cannot be made regarding changes to a project, the applicant may:
 - a. Withdraw the request and continue with the project as approved; or
 - b. Submit an application for a Substantial Conformity Determination to the review authority for the original permit to which the Substantial Conformity Determination is requested, or apply for Amendment or Revision of the original permit.
 7. Substantial Conformity Determinations are made by the review authority for the original permit if the conditions of approval of that permit so require.

APPENDIX **IG**

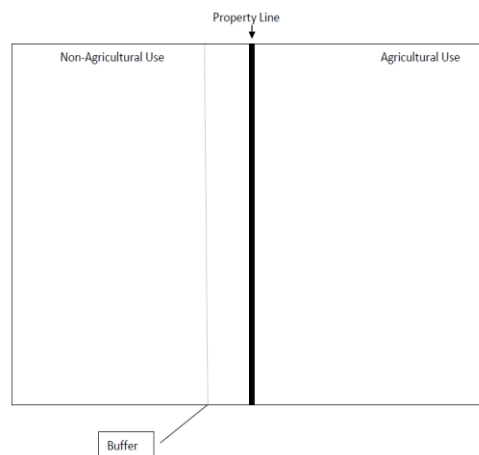
AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES

- I. Purpose and Intent.** The Agricultural Buffer Implementation Guidelines (Guidelines) are intended to assist planners and the review authority in implementing the requirements contained in Section 35.30.025 (Agricultural Buffers). Specifically, the guidelines assist with (1) determining buffer widths for a proposed project, (2) identifying locations of proposed development and land uses allowed within the agricultural buffer (3) clarifying the process and, (4) incorporating site design concepts that are compatible with agriculture.
- II. Agricultural Buffer Width Adjustment.** The Agricultural Buffer Width table in Subsection 35.30.025.D (Agricultural Buffer Requirements) contains ranges for the buffer width. The minimum buffer width minimizes potential land use conflicts to a reasonable, typical level. However, ranges are provided because circumstances may require the buffer width to be adjusted.
- A. The following site specific factors may warrant an increase in the width of the required buffer:
- 1. Crop type/agricultural practices.** Crop type influences agricultural practices. Rotational crops such as strawberries and vegetables require intensive farming practices that generate substantial amounts of dust, odors, noise and other irritants. Crops that utilize intensive farming practices may warrant an increase in the buffer.
 - 2. Elevation differences and topography.** Elevation differences and topographical features, such as a valley or hill, affect air flow and may separate agriculture and non-agricultural development and uses. Projects located on terrain that provides no natural separation between agricultural and non-agricultural development and uses may warrant an increase in the buffer width.
 - 3. Location of existing roads or naturally occurring barriers.** An increase in buffer width may be warranted if such features are absent or ineffective because of wind direction, terrain or other reasons.
 - 4. Historical land use on the agricultural lot.** The agricultural lot may currently be fallow, in between plantings, planted with a temporary crop (such as a cover crop) or may have supported crops in the past. Therefore, if the agricultural lot is not currently used for agriculture, a buffer may still be warranted if the lot was used for agriculture within the last 10 years. If the project applicant claims a buffer is not required due to existing lack of agriculture on the agriculturally zoned lot, the project applicant must prove the land was not used for agriculture within the last 10 years. The Department of Conservation's Important Farmland Maps and aerial imagery can provide historical agricultural use information.
 - 5. Future farming potential of the agricultural lot.** A buffer width increase may be warranted if the current agricultural use is rangeland/pastureland or not currently used for agriculture but the soils have the potential to support higher value crops and there is a source for agricultural water. For the purposes of these Guidelines, land has future farming potential if its predominant soil type has an irrigated land capability classification of Class I, Class II, Class III or Class IV as defined by the Natural Resource Conservation Service (NRCS) soil survey maps for Santa Barbara County. Land has limited farming potential if its predominant soil type has an irrigated land capability classification of Class VI, Class VII, or Class VIII. Santa Barbara County does not have Class V soils.
 - 6. Site design of the non-agricultural proposal.** Non-agricultural projects with site design features that contribute toward potential land use conflicts may warrant a buffer width

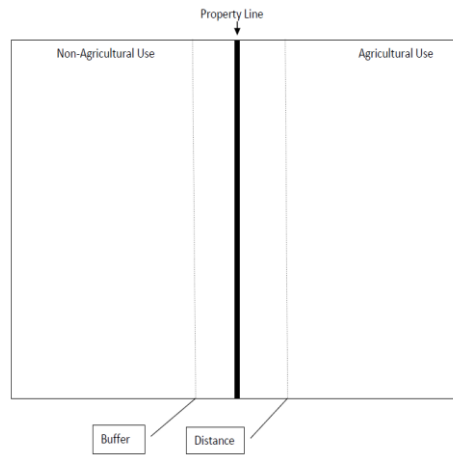
increase. See Section V (Site Design) of these Guidelines for a discussion on site design.

7. **Prevailing wind direction.** Consider a buffer width increase if the prevailing wind blows from the agricultural lot toward the non-agricultural lot.
- B. If an increase in the width of the buffer is warranted based on site specific factors, the following additional factors may offset a buffer width increase:
1. **Non-agricultural lot size and configuration.** If a lot cannot reasonably accommodate a buffer increase because of lot size or configuration, consider redesigning the project or applying the minimum buffer width. Refer to Section 35.30.025.D.6. (Reasonable use) of this Development Code.
 2. **Extent and location of existing non-agricultural development.** An increase in buffer width may not be warranted if the project applicant can demonstrate that the agricultural lot has already been severely impacted by existing non-agricultural development and uses adjacent to the agricultural lot.
 3. **Vegetative screening adjacent to Production Agriculture.** In compliance with Section 35.30.025.D.3.b. of this Development Code, if the project is adjacent to production agriculture and site specific factors warrant a buffer width increase, vegetative screening may be used to offset an increase in the buffer width. For example, a commercial development proposed adjacent to production agriculture would require a minimum 100-foot buffer as per Section 35.30.025.D.1 of this Development Code. The Department and Agricultural Commissioner’s Office may recommend a buffer width increase due to site specific factors (e.g. increase an additional 50 feet or 100 feet). The Department and Agricultural Commissioner’s Office may also recommend the use of a vegetative screen and reduce the buffer width increase. The vegetative screen may mitigate only a portion of the buffer width increase (e.g. offset 50 feet of a 100 feet buffer width increase).
- C. If the agricultural lot contains both Production Agriculture and Rangeland or Pastureland and the Production Agriculture is not immediately adjacent to common lot line between the project site and the adjacent agriculturally zoned lot where the Production Agriculture is located, Section 35.30.025.D.1.b (Agricultural buffer width) of this Development Code describes how to determine the buffer width. The following steps and diagrams illustrate how to determine the buffer width for those scenarios.

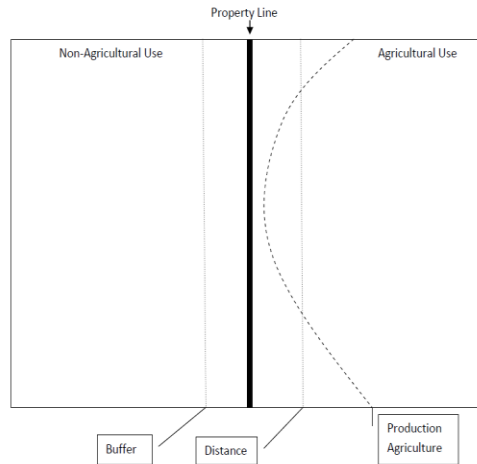
Step 1. Determine the buffer width required for the proposed use for the adjacent Rangeland or Pastureland.



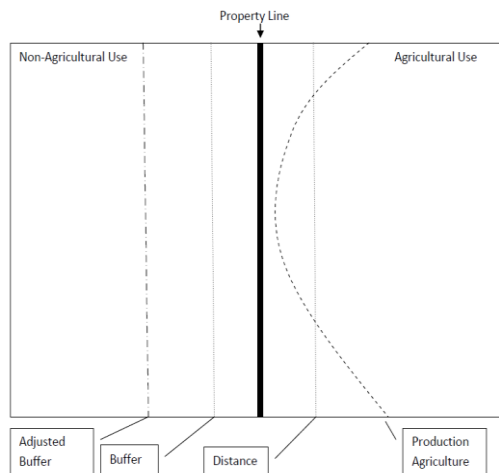
Step 2. Take the distance determined in Step 1 and apply it to the agricultural use side of the property line.



Step 3. Determine if the production agriculture is within the distance as determined in Step 2.



Step 4. If the Production Agriculture is within the distance as determined in Step 2, then the adjusted buffer is the buffer width that would be applied for Production Agriculture. For example, if the Agricultural Buffer width is 200 feet for the proposed use when adjacent to Production Agriculture, the adjusted buffer width would be 200 feet.



III. Allowable Uses Within Agricultural Buffers. Section 35.30.025.E (Allowable uses within Agricultural Buffers) specifies unrestricted uses and restricted uses within the buffer.

- A. Unrestricted uses are compatible with agriculture because they do not invite visitors, do not require frequent maintenance, and do not attract wildlife. Uses that invite visitors or attract wildlife may conflict with agriculture and the location of such uses is restricted within the buffer.
- B. **Restricted Use Modification.** The Department, in consultation with the Agricultural Commissioner's Office, may recommend that the review authority modify a restricted use within the agricultural buffer if it can be determined that strict compliance with Section 35.30.025.E (Allowable uses within Agricultural Buffers) is not required to minimize conflicts with adjacent agriculture. To determine if the restricted use modification is warranted, the Department may consider site specific factors, agricultural practices and input from adjacent agricultural land owners/ property operators.

IV. Application Procedures.

- A. **Prior to application submittal.** It is recommended the applicant meet with the Department, the Agricultural Commissioner's Office, and adjacent landowners (in conjunction with property operators) to discuss the non-agricultural project's compatibility with adjacent agriculture and application of proposed agricultural buffer requirements. Applicants are encouraged to include site planning and project design features that are compatible with adjacent agriculture.
- B. **Project review.** During the application review process, the Department should consult adjacent agricultural landowners (in conjunction with property operators) whenever possible to discuss the proposed non-agricultural development.
- C. **Recommendations.** For all discretionary development applications subject to the provisions of Section 35.30.025 (Agricultural Buffers) of this Development Code, the Department in consultation with the Agricultural Commissioner shall review the permit application and make recommendations to the review authority concerning buffer width, uses within the buffer, the Landscape, Lighting and Irrigation Plan, and the Buffer Maintenance Plan.

V. Site Design. Urban development that is "agriculturally friendly" can play a significant role in promoting compatibility between agricultural and non-agricultural uses. Projects can achieve compatibility by incorporating creative site planning and project design concepts such as:

- A. Locating outdoor use areas such as backyards, patios, and playgrounds, away from agricultural areas.
- B. Terminating roads away from agricultural areas to reduce trespassing on agricultural land.
- C. Including the use of sound proof construction materials such as double pane windows. See *Guide to Edge Planning - Promoting Compatibility Along Urban-Agricultural Edges*, British Columbia, Ministry of Agriculture and Lands, June 2009.
- D. Clustering of buildings to maximize buffering between residences and agriculture.

APPENDIX **JH**

CANNABIS ACTIVITIES ADDITIONAL STANDARDS

A. Tree Protection Plan.

1. The Applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. The Plan shall include:
 - a. Biologically favorable options for access roads, utilities, drainages, and structure placement, taking into account native tree and shrub species, age, and health with preservation emphasized.
 - b. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - c. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas outside of the protection area.
 - d. The type and location of protective fencing or other barriers to be in place to protect trees in protection areas during construction.
 - e. The location of all tree wells or retaining walls. These shall be located outside the area within six feet of the dripline of all protected trees unless authorized by the County.
 - f. The location of all paths within 25 feet of dripline areas. Only pervious paving materials are permitted within 6 feet of dripline areas.
 - g. The location of any replacement trees.
3. During construction these standards shall be met:
 - a. All trees shall be protected by a fence located at least 6 feet outside of the dripline. Fencing shall be at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area placed in 15-foot intervals on the fencing.
 - b. All grading and construction fencing, staking, and signage shall be maintained.
 - c. All trees located within 25 feet of buildings shall be protected from stucco and/or paint.
 - d. No irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized.
 - e. If the use of hand tools is deemed infeasible by the Director, work with rubber-tired construction equipment weighing 5 tons or less may be authorized by the Director. If significant large rocks are present, or if soil placement will impact surrounding trees, then a small tracked excavator may be used as determined by the Department-approved biologist.
 - f. A Department-approved arborist shall direct and oversee any development activity required within the dripline or sensitive root zone of any specimen tree. Any roots of one inch in diameter or greater which are encountered during grading or construction, and/or tree removal or trimming, must be cleanly cut.
 - g. Grading shall be designed to avoid ponding and ensure proper drainage within driplines of oak trees.

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- h. The Applicant shall designate a Department-approved arborist to be onsite throughout all grading and construction activities which may impact native trees. Duties of the arborist include the responsibility to ensure all aspects of the approved Tree Protection Plan are carried out.
 4. Replacement trees shall be installed in compliance with the following standards:
 - a. The replacement trees must be a native species, planted at a 10:1 ratio for oak trees (15:1 for Blue or Valley Oaks), and a 2:1 ratio for other trees.
 - b. The replacement trees must be species from locally obtained plants and seed stock.
 - c. The replacement trees must be gopher-fenced.
 - d. The replacement trees must be irrigated with drip irrigation on a timer until established.
 - e. The replacement trees must be weaned off of irrigation over a period of 2 to 3 years.
 - f. No replacement tree shall require permanent irrigation within the dripline of the tree.
 - g. If replacement trees cannot all be accommodated on the same lot, the Applicant shall submit a plan for replacement trees to be planted offsite.
 - h. The replacement trees must be protected from predation by wild and domestic animals and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
 5. The Applicant shall install all measures identified by the Tree Protection Plan onsite prior to commencement of cannabis activities, as applicable. All such measures shall be indicated on final plans.
 6. Prior to issuance of the cannabis permit, the Applicant shall submit the Tree Protection Plan to the Department for review and approval. The Applicant shall implement all tree protection measures of the Tree Protection Plan pursuant to the specific timing requirement for each measure set forth in the Tree Protection Plan.
 7. The Department shall dispatch, on an ongoing basis, a qualified inspector to monitor and ensure compliance with the Tree Protection Plan.

B. Habitat Protection Plan

1. The Applicant for a land use entitlement for a cannabis activity that would involve clearing of native vegetation or other sensitive vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, designed to determine whether avoidance, minimization, or compensatory measures are necessary.
2. Focused species-specific surveys shall be required to determine whether a sensitive species or nesting bird may be present, and shall be conducted at the appropriate time of year and time of day when that species is active or otherwise identifiable. Where warranted by the findings of initial review, protocol level surveys may also be required.
3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.
4. The Plan shall include:

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- a. The location and extent of all driplines and sensitive root zones for all vegetation to be preserved.
 - b. The location of sensitive habitat with a detailed description of proposed disturbance.
 - c. Original and new locations for replanted species.
 - d. Designated development envelopes. Include utility corridors, irrigation lines, roadways, driveways, etc.
 - e. Equipment storage (including construction materials, equipment, fill soil, or rocks) and construction staging and parking areas.
 - f. Sensitive habitats, including but not limited to those listed below, shall be preserved.
 - (1) Southern Vernal Pool
 - (2) Valley Needlegrass Grassland
 - (3) Southern California Coastal Lagoon
 - (4) Southern California Steelhead Stream
 - (5) Southern California Threespine Stickleback Stream
 - (6) Coastal and Valley Freshwater Marsh
 - (7) Northern and Southern Coastal Salt Marsh
 - (8) Central Coast Arroyo Willow Riparian Forest
 - (9) Southern Coast Live Oak Riparian Forest
 - (10) Southern Cottonwood Willow Riparian Forest
 - (11) Southern Willow Scrub
 - (12) Central Maritime Chaparral
 - g. During construction all sensitive habitat shall be temporarily fenced with chain-link or other material satisfactory to the Department, at least 200 feet from the edge of the sensitive habitat, and staked to prevent any collapse.
 - h. During construction and grading, all fencing, staking, and barriers shall be maintained.
 - i. During construction if it becomes necessary (as authorized by the Department) to disturb or remove any plants within the habitat area, a Department-approved biologist shall direct the work. Where feasible, specimens shall be boxed and replanted. If a Department-approved biologist certifies that it is not feasible to replant, plants shall be replaced under the direction of the Department-approved biologist at a 1:1 ratio. If replacement plants cannot all be accommodated on the same lot, a plan must be approved by the Department for replacement plants to be planted offsite.
 - j. During construction all grading activities shall be designed to ensure that habitat areas have proper drainage during and after construction, per a Department-approved biologist's recommendations.
 - k. If any ground disturbances will occur during the nesting bird season (February – mid-September), prior to any ground disturbing activity, surveys for active nests shall be conducted by a Department-approved biologist following CDFW approved protocols, no more than 10 days prior to the start of activities. The surveys shall be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. Identified nests shall be continuously surveyed for the first 24 hours prior to any activities to establish a behavioral baseline. Once work commences, all nests shall be continuously

monitored to detect any behavioral changes. If behavioral changes are observed, the work causing that change shall cease and CDFW shall be consulted for additional avoidance and minimization measures. A minimum no disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no disturbance buffer around the nests of unlisted raptors shall be maintained until the breeding season has ended, or until the biologist determines that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Any variance from these buffers shall be supported by the biologist and CDFW shall be notified in advance of implementation of a no disturbance buffer variance.

1. Applicants shall submit information about proposed pest management practices, including Integrated Pest Management techniques and proposed use, storage, and application of pesticides, herbicides, and/or rodenticides by type and amount as part of a Pest Management Plan to be reviewed and approved by the Department and the County Agricultural Commissioner (CAC) prior to issuance of a land use entitlement for the proposed cannabis activity. The Pest Management Plan shall describe the methods to be used for pest control, including the type, location, timing, and methods used for any rodenticide. If rodents are a pest issue for an applicant, non-toxic alternatives to rodenticides are recommended, such as mechanical controls like traps, gopher fencing, and weeding; biological controls such as natural pheromones; or cultural controls such as site maintenance and hygiene. Consistent with the California Department of Pesticide Regulation (DPR) determination that commercially grown cannabis is an agricultural commodity, cannabis cultivation on all licensed sites shall comply with the requirements of Division 6 and 7 of the Food and Agricultural Code and pertaining regulations. These laws and regulations set forth requirements for the legal use of pesticides, herbicides, and/or rodenticides, and are enforced by the CAC. Any uses of pesticide, herbicide, or rodenticide products shall be consistent with these requirements and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released uncontrolled into the environment, including surface or ground waters. Per the California DPR's established regulatory process, commercial cannabis cultivators planning on using pesticides, herbicides, and/or rodenticides shall obtain an Operator Identification Number from the CAC before they can purchase or use these chemicals. Within the Pest Management Plan, the applicant shall demonstrate sufficient knowledge of regulatory requirements regarding the safe and effective use of pesticides and/or rodenticides. Applicants that opt to use rodenticides shall provide an annual report of rodenticide use data to the CAC and County permitting.
5. Subsequent actions identified as necessary in the Habitat Protection Plan, such as species removal or relocation, shall be initiated following any required consultation with USFWS and CDFW pursuant to Federal and State regulations (respectively).
6. The Applicant shall install all measures identified by the Habitat Protection Plan prior to commencement of cannabis activities or as otherwise specified in the Habitat Protection Plan. All necessary requirements identified in the Habitat Protection Plan such as buffers, species monitoring, and plant species replacement, shall be indicated on final plans.
7. The Applicant shall submit a Habitat Protection Plan to the Department and demonstrate that all requirements pertaining to the Habitat Protection Plan have been implemented and completed prior to issuance of permits or licenses for cannabis activities.
8. The Department shall dispatch on an ongoing basis a qualified inspector to monitor and ensure compliance with the Habitat Protection Plan.

C. Wildlife Movement Plan.

1. The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for

passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities. The Plan shall include:

- a. The type, material, length, and design of proposed fencing.
- b. Proposed fencing shall be designed to accommodate for the passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer, and be non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing.
- c. Analysis of the proposed fencing in relation to the surrounding opportunities for migration.

ATTACHMENT 1

Community Plan Development Standards

Part 1 – Purpose Statement

The County of Santa Barbara has adopted five Community plans (Goleta Community Plan, Los Alamos Community Plan, Montecito Community Plan, Orcutt Community Plan and Summerland Community Plan), one Specific Plan (Mission Canyon Specific Plan) and one Area Plan (Toro Canyon Plan Area). These documents comprise a part of the Santa Barbara County Comprehensive Plan. The Comprehensive Plan, including the Coastal Land Use Plan and the individual Community, Specific and Area plans set forth governing policies for existing and proposed uses of land within Santa Barbara County. The Community, Specific and Area plans set out specific goals relating to community development, public facilities and services, and resources and constraints within discrete communities within the County. The Community, Specific and Area plans state the objectives and the goals of each community/area covered and include specific policies and actions to carry out those goals. Development standards adopted as a part of the Community, Specific or Area plans are designed to implement the stated policies and goals. In addition to the requirements of the Land Use Development Code, all planning permits for development within the attached Community, Specific or Area plans area must also be found to be in compliance with the applicable policies and development standards.

Parts 2 through 8 of Attachment 1 provide excerpts from the adopted Community, Specific and Area plans. **The development standards provided are not incorporated into the Land Use and Development Code.** These standards are included as an Attachment to the Land Use and Development Code to serve solely as a resource to the user. The applicable policy or development standard reference is noted after each development standard excerpt. Where necessary for clarity of the development standard, the supporting policy language has also been provided. The complete policy text and other information may be found within the applicable Community, Specific or Area plans.

Please refer to the applicable Community, Specific or Area plan for the entirety of the development standards, the policy framework from which the development standards were derived and any attachments, appendices or figures referenced within the applicable Community, Specific or Area plan development standards.

Part 2 – Goleta Community Plan Development Standards

Sections:

- Purpose
- Applicability
- Agricultural Preservation Buffers
- Air quality and Energy Conservation
- Biological Resources
- Cultural Resources Preservation
- Fire Hazard Mitigation
- Flood Hazard Mitigation
- Grading Standards and Geologic Hazard Mitigation
- Oil and Gas Development Impact Areas
- Height Limit Sites with Fill
- Site Specific Standards
- Visual Resources

Purpose

This Chapter provides development standards from the Goleta Community Plan.

Applicability

The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Goleta Community Plan in addition to all other applicable requirements of this Development Code.

Agricultural Preservation – Buffers

~~Buffers composed of predominantly native and low water using species, or other appropriate perimeter screening, such as fences and walls shall be required for new development adjacent to agriculturally zoned property. The size of the perimeter screening will be determined by lot-specific review for all new development adjacent to agriculturally zoned property. (LUA-GV 2.1)~~

Air Quality and Energy Conservation

- ~~**A. Best Available Control Technology.** Construction activities in the Goleta Community Plan area should comply with all requirements of the Santa Barbara County Air Pollution Control District (APCD), and should institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD thresholds. (AQ-GV 1.1)~~
- ~~**B. Construction generated pollution and dust.** Project construction shall be conducted so as to minimize the generation of pollution and fugitive dust during construction. (AQ-GV 1.2)~~
- ~~**C. Energy conservation.** For all new development, the County shall require the use of techniques designed to conserve energy and minimizing pollution. The County shall consider the following techniques, as appropriate, in reviewing applications for new development: (AQ-GV 5.1)~~
- ~~1. The installation of low NOx residential and commercial water heaters and space heaters in compliance with the specifications in the 1991 Santa Barbara County Air Pollution Control District Air Quality Attainment Plan.~~
 - ~~2. The installation of heat transfer modules in furnaces.~~
 - ~~3. The use of light colored water based paint and roofing materials.~~
 - ~~4. The installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on-demand.~~
 - ~~5. The use of passive solar cooling/heating.~~
 - ~~6. The use of natural lighting.~~
 - ~~7. The use of concrete or other non-pollutant materials for parking lots instead of asphalt.~~
 - ~~8. The installation of energy efficient appliances.~~
 - ~~9. The installation of energy efficient lighting.~~
 - ~~10. The use of landscaping to shade buildings and parking lots.~~
 - ~~11. The installation of sidewalks and bikepaths.~~
 - ~~12. The installation of covered bus stops to encourage use of mass transportation.~~

Biological Resources

A. General protection standards. New development shall be sited, designed, constructed, and operated to protect biological resources in compliance with the following standards:

1. Construction standards.

a. Protective measures. The County shall require appropriate protective measures (e.g. fencing) where necessary to protect sensitive biological resources during construction. (BIO-GV-15.2)

b. Construction monitoring. Where sensitive or valuable biological resources exist within or border a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within and/or bordering the resource area as determined necessary by the Department. (BIO-GV-15.4)

c. Certification of compliance. As determined necessary by the Department, prior to issuance of occupancy clearance a biologist shall provide written confirmation to the Department stating that the project has complied with all construction related biological resource protection measures. (BIO-GV-15.5)

2. On-site restoration. In cases where adverse impacts to biological resources cannot be avoided after impacts have been minimized to the greatest extent feasible, on-site restoration may be required. Restoration may also be required for lots on which development is proposed and on which disturbance has previously occurred if the currently proposed development would exacerbate the existing impact. Where onsite preservation is infeasible, or not desirable in terms of long term preservation, an offsite easement and/or restoration which covers comparable habitat/area and will ensure long term preservation may be considered. The following standards shall be used as guidelines for the restoration effort but shall not preclude reasonable use of a lot: (BIO-GV-15.3)

a. The revegetation effort shall include the appropriate diversity and density of plants native to the locality;

b. Restoration plans shall incorporate maintenance measures to insure that the remedial action is carried out for the duration of the impact;

c. When restoration is proposed, on-site rather than off-site restoration shall be the preferred alternative.

3. Wildlife corridors. In rural areas, and where major wildlife corridors are present in urban areas, new development shall not interrupt major wildlife travel corridors (typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas). (BIO-GV-15.1)

4. Habitat replacement ratio. A minimum replacement ratio of 2:1 shall be required for significant native habitat areas eliminated. The area to be restored, acquired, or dedicated for a permanent protective easement shall be of comparable biological value to that which is destroyed. (BIO-GV-22.2)

B. Protection standards for specific resources. The following standards apply to specific resource types for all development within the inland area on lots within a mapped/designated Environmental Sensitive Habitat (ESH) overlay or Riparian Corridor (RC) overlay. Additionally, lots within the Coastal Zone that contain biologically sensitive resources (with or without an ESH or RC Overlay designation) shall comply with the requirements in Section 35.28.100 (Environmentally Sensitive Habitat Area Goleta (ESH-GOL) Overlay).

1. ~~Coastal sage scrub standards.~~

- ~~a. **Fragmentation.** To the maximum extent feasible, development shall avoid impacts to coastal sage scrub that would isolate, interrupt, or cause a break in a contiguous habitat that would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease, etc. (BIO-GV-13.1)~~
- ~~b. **Buffer requirement.** Impacts to coastal sage scrub shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where that action would preclude reasonable use of the lot. (BIO-GV-13.2)~~
- ~~c. **Onsite mitigation.** Onsite mitigation including revegetation, erosion and water quality protection, and other measures that would minimize the impact of development on coastal sage scrub shall be included in the project design as necessary. (BIO-GV-13.3)~~

2. ~~Native grassland standards.~~

- ~~a. **Fragmentation.** To the maximum extent feasible, development shall avoid impacts to native grasslands that would isolate, interrupt, or cause a break in a contiguous habitat which would disrupt animal movement patterns, seed dispersal routes, or increase vulnerability of species to weed invasion or local extirpations such as fire, flooding, disease, etc. (BIO-GV-14.1)~~
- ~~b. **Buffer requirement.** Impacts to native grasslands shall be minimized by providing a minimum 10 foot buffer vegetated with native species and by placing the project outside of the buffer rather than in or through the middle of the habitat area, except where such an action would preclude reasonable use of a lot. (BIO-GV-14.2)~~
- ~~c. **On-site mitigation.** Onsite mitigation such as revegetation, erosion and water quality protection, and other measures which would minimize the impact of development on native grasslands shall be included in the project design as necessary. (BIO-GV-14.3)~~

3. ~~Native woodland standards.~~

- ~~a. **Buffer requirement.** Within urban and inner rural areas, and existing developed rural neighborhoods, impacts to native woodlands shall be minimized by providing a minimum 25 foot buffer around the woodland. Within areas zoned Mountainous GOL, the buffer around native woodlands shall be 50 feet. Development or vegetation clearing should be avoided within the woodland and buffer to the extent feasible. To the extent feasible, new roads or other development shall be located outside the woodlands and the buffer, rather than in or through the middle of the habitat area, except where such an action would preclude the reasonable use of a lot. (BIO-GV-5.1)~~
- ~~b. **On-site mitigation.** On site mitigation including revegetation, erosion and water quality protection, and other measures that would minimize the impact of development on native woodlands shall be included in the project design as necessary. (BIO-GV-5.2)~~

4. ~~Monarch butterfly roosting habitat standards.~~

- ~~a. **Time limits for construction activities.** Any construction, grading or development within 200 feet of known or historic butterfly roosts shall be prohibited between November 1 and April 1. This requirement may be modified or deleted on a case by case basis where the Department concludes that one or more of these activities would not impact monarchs using the trees or where it would preclude reasonable use of the lot. (BIO-GV-6.1)~~

- ~~b. — **Determination of potential impacts, Roost Protection Plan.** Prior to issuance of a Coastal Development Permit or Land Use Permit for development within 200 feet of known or historic butterfly roosts, the Department shall determine if the proposed project would have the potential to impact monarch butterfly habitat adversely. This determination shall be made based on proximity to known or historic butterfly trees. In the event the proposed project does have the potential to impact monarch butterfly habitat adversely, the applicant shall submit to the Department a Butterfly Roost Protection Plan. The plan shall be developed at the applicant's expense and shall be included on any grading/construction designs. The plan shall include the following information and measures: (BIO-GV 6.2)~~
- ~~(1) — The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;~~
 - ~~(2) — A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum. A temporary fence shall be installed at the outside of the buffer boundary and maintained for the duration of all grading and heavy construction. All ground disturbance and vegetation removal shall be avoided within this buffer region;~~
 - ~~(3) — Vegetation shall be maintained within the buffer;~~
 - ~~(4) — The trimming or clearing of vegetation within 50 feet of a known Monarch Butterfly roost habitat shall not occur without Department review and approval; and~~
 - ~~(5) — Any trimming or clearing associated with a development permit within 50 feet of a known Monarch Butterfly roost shall be supervised by a qualified biologist or other party acceptable to the Department.~~

~~5. — **Environmentally sensitive habitats/Riparian corridors.**~~

- ~~a. — **Setbacks, buffers, and restoration.** New development within 100 feet of an ESH, shall be designed to include setbacks or undeveloped buffer zones from the habitats consistent with those detailed in specific habitat protection policies as part of the proposed development, except where setbacks or buffer zones would preclude reasonable use of the lot. In determining the location, width and extent of setbacks and buffer zones, the Goleta Biological Resources Map and other available data shall be used (e.g., maps, studies, or observations). If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered. (BIO-GV 2.2)~~
- ~~b. — **Habitat Restoration Plan for zoning violations.** If a zoning violation results in the degradation of an ESH or RC, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed portions of an ESH or RC area outside of a formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence. (BIO-GV 2.3)~~
- ~~c. — **Landscaping — Invasive species prohibited.** Landscaping that includes exotic invasive species, for example, as identified by the California Native Plant Society list of invasive species shall be prohibited in or near ESH and RC areas, and appropriate buffers. Landscaping in ESH and RC areas and appropriate buffers shall include compatible native species. (BIO-GV 2.4)~~

~~6. — **Riparian woodland/corridor standards.**~~

- ~~a. — **Riparian protection and restoration measures.** Riparian protection and reasonable~~

~~riparian restoration measures shall be required in the review of a project requiring discretionary approval and shall be based on a project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through activities including grading, brushing, construction, vehicle parking, supply or equipment storage, or the proposed use of the property. Damage could include vegetation removal or disturbance, erosion and sedimentation, trenching, and activities that hinder or prevent wildlife access and use of habitat. (BIO-GV 7.1)~~

~~**b. ESH overlay setback or buffer requirement.** The minimum buffer strip and setbacks from streams and creeks for new development and actions within the ESH overlay shall be as follows, except on lots designated for agriculture in inner rural areas where Subsection B.6.g below, shall apply: (BIO-GV 8)~~

~~(1) **Urban, inner rural and existing developed rural neighborhoods.** A setback of 50 feet shall be provided from either side of the top of bank of creeks or existing edge of riparian vegetation, whichever is further, minimizing all ground disturbance and vegetation removal. This setback shall be indicated on all grading plans;~~

~~(2) **Mountainous-GOL zone.** A buffer of 200 feet shall be provided from the edge of existing riparian vegetation. Grading and vegetation removal within these buffers shall be limited consistent with the purpose and intent of the ESH overlay district, while not precluding reasonable use of a lot.~~

~~**c. ESH overlay buffer adjustments.** The minimum buffers required by Subsection b above, may be adjusted upward or downward on a case by case basis but shall not preclude reasonable use of a lot. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board to protect the biological productivity and water quality of streams: (BIO-GV 8.1)~~

~~(1) Existing vegetation, soil type and stability of stream corridors;~~

~~(2) How surface water filters into the ground;~~

~~(3) The slope of the land on either side of the stream;~~

~~(4) Location of the 100-year flood plain boundary; and~~

~~(5) Consistency with adopted plans, particularly Biology and Habitat policies.~~

~~**d. Temporary construction fencing.** Except in rural areas designated Agriculture, the Department may require that a temporary protective fence be installed along the outer buffer boundary at the applicant's expense, prior to initiation of any grading or development activities associated with a permit for development. The storage of equipment, supplies, vehicles, or the placement of fill or refuse, shall not be permitted within the fenced buffer region. (BIO-GV 8.2)~~

~~**e. ESH overlay on-site restoration.**~~

~~(1) To the maximum extent feasible, a project that requires a permit for development within the ESH overlay shall provide the on-site restoration of any project disturbed creek buffer or riparian vegetation within the riparian corridor boundary with the intent being to maintain a continuous canopy of appropriate native trees along such corridors. (BIO-GV 8.3)~~

~~(2) Projects that require a permit for development within ESH areas in urban and inner~~

~~rural areas, existing developed rural neighborhoods and Mountainous GOL Zone Districts shall provide on-site restoration of any project disturbed buffer or riparian vegetation if feasible or unless it would preclude reasonable use of the lot. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain the source of the plant material, planting methods and locations, site preparation, weed control, and monitoring criteria and schedules. (BIO-GV 8.4)~~

- ~~f. **Well and stream diversion monitoring.** Projects that depend on alluvial well extractions and stream diversion shall be required to monitor the long term effects on surface streamflow and riparian vegetation. Contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge) must be identified. (BIO-GV 8.5, BIO-GV 9.3)~~
- ~~g. **RC overlay setback or buffer requirement.** The minimum buffer strip and setback from streams and creeks for new development and activity within the RC overlay shall be as follows: (BIO-GV 9)~~
- ~~(1) For new or expanded areas of cultivated agriculture, vineyard, or orchard use which is documented to show evidence of historic legal conforming or legal non-conforming agricultural use within the previous 10 year historic period, a setback of 25 feet from the top of the bank or the edge of existing riparian vegetation, whichever is further, minimizing all ground disturbance and vegetation removal consistent with the Grading Ordinance, and precluding development of new buildings within 50 feet of the top of bank; and~~
 - ~~(2) For new or expanded areas of cultivated agriculture, vineyard, or orchard use, without documented evidence showing that it is a legal conforming or legal nonconforming agricultural use within the previous 10 year historic period, a setback of a minimum of 25 feet from the edge of existing riparian vegetation or the top of bank, whichever is further, minimizing all ground disturbance and vegetation removal consistent with the purpose and intent of the zone, and precluding development of new buildings within 50 feet of the top of bank.~~
- ~~h. **RC overlay buffer adjustments.** The minimum buffers required by Subsection B.6.g above, may be adjusted upward or downward on a case by case basis but shall not preclude reasonable use of a lot. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Board in order to protect the biological productivity and water quality of streams: (BIO-GV 9.1)~~
- ~~(1) Existing vegetation, soil type and stability of stream corridors;~~
 - ~~(2) How surface water filters into the ground;~~
 - ~~(3) Slope of the land on either side of the stream;~~
 - ~~(4) Location of the 100-year flood plain boundary; and~~
 - ~~(5) Consistency with adopted plans, particularly Biology and Habitat policies.~~
- ~~i. **RC overlay on-site restoration.** To the maximum extent feasible, projects requiring a permit for development within the RC overlay shall provide on-site restoration of any project disturbed creek buffer or riparian vegetation within the riparian corridor boundary~~

with the intent being to maintain a continuous canopy of appropriate native trees along such corridors. (BIO-GV 9.2)

~~j. — **Limitation on structures within riparian corridor.** No structures shall be located within a riparian corridor except:~~

- ~~(1) — Public trails that would not adversely affect existing habitat;~~
- ~~(2) — Dams necessary for water supply projects;~~
- ~~(3) — Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where the protection is necessary for public safety;~~
- ~~(4) — Where alternative structures or developments have been approved by the Army Corps of Engineers in compliance with a Section 404 permit; and~~
- ~~(5) — Other development where the primary function is for the improvement of fish and wildlife habitat; or~~
- ~~(6) — Where this requirement would preclude reasonable use of a lot.~~

~~— Culverts, agricultural roads and crossings in rural areas zoned for agricultural use, fences, pipelines, and bridges may be permitted when no alternative route or location is feasible, or where other environmental constraints or site design considerations (e.g., public safety) would require such structures. All development shall incorporate the best mitigation measures feasible to minimize the impact to the greatest extent. (BIO-GV 10.1)~~

~~k. — **Plant sources for restoration programs.** When activities permitted in stream corridors require removal of riparian plants, revegetation with local native plants, obtained from within as close proximity to the site as feasible shall be required. (BIO-GV 10.2)~~

~~l. — **Wetland restoration.** Wetland areas and surrounding habitats that have been damaged by pollution and artificial stream channelization shall be restored to their natural condition to the maximum extent feasible. Where restoration is required, the goal shall be to re-establish a continuous riparian corridor along the affected section of stream, with appropriate native vegetation extending outward a minimum of 25 feet from the top of the bank. (BIO-GV 11, 11.1)~~

~~7. — **Raptor habitat standards.**~~

~~a. — **Tree protection.** Each tree serving as known raptor nesting or key raptor roosting sites shall be protected from damage or removal to the maximum extent feasible. (BIO-GV 18.2)~~

~~b. — **Buffer requirement.** A buffer (as determined by the Department on a case by case basis) shall be established around trees serving as raptor nesting sites or key roosting sites except in cases where such a buffer would preclude reasonable use of a lot. (BIO-GV 18.1)~~

~~8. — **Water course standards.**~~

~~a. — **Filters for pavement runoff.** For all new development, sedimentation, silt, and grease traps shall be installed when necessary in paved areas as determined by the Department, to act as filters to minimize pollution reaching downstream habitats. These filters shall address short term construction and long term operational impacts. (BIO-GV 19.1)~~

~~b. — **Wash water.** Washing of concrete, paint, or other equipment shall be allowed only in areas where polluted water can be contained during construction and in industrial settings. (BIO-GV 19.2)~~

- e. ~~**Stream restoration.** As part of its on going maintenance operations, the County Flood Control District should attempt to restore degraded stream channels to the maximum extent feasible, consistent with sound flood control practices. The District should actively seek State and Federal funding to assist in the funding of any restoration efforts. (BIO-GV 11.2)~~

9. ~~Tree protection standards.~~

- a. ~~Oak trees shall be protected to the maximum extent feasible. All land use development applications shall be processed in such a manner as to avoid damage to native oak trees. Regeneration of oak trees shall be encouraged. (BIO-GV 17)~~
- b. ~~**Protected trees.** All existing "protected trees" shall be protected from damage or removal by development to the maximum extent feasible. (BIO-GV 16.1) *Note: Protected trees are defined Policy BIO-GV 16 as "mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species."*~~
- e. ~~**Tree protection plan.** Where trees may be impacted by new development, the Department may require Tree Protection Plan where either the project site contains native or other biologically valuable trees (e.g., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus), or where these trees on adjacent properties have drip lines that extend over the project site.

 - (1) ~~**Exceptions.** The requirement for a Tree Protection Plan may be modified or deleted where it can be found that no trees (proposed to be retained) would be potentially damaged by the project activities. This decision shall be based on the location of trees and the project's potential to directly or indirectly damage trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property.~~
 - (2) ~~**Plan preparation and review.** The Tree Protection Plan shall be developed at the applicant's expense and should be prepared by a County approved arborist/biologist as determined to be necessary by the County. The plan must be approved by the Department prior to issuance of a permit for development. The plan shall be included on all grading and building plans. The County's standard Tree Protection Plan is included in the Standard Mitigation Measures/Standard Conditions Manual. (BIO-GV 16.3)~~~~

Cultural Resources Preservation

- A. ~~**Fencing and buffer requirement.** An archaeological site and a 50 foot buffer around the site shall be temporarily fenced with chain link or other structurally sound material in the event of proposed construction within 100 feet of a sensitive area. (HA-GV 1.3)~~
- B. ~~**Disposition of remains discovered during construction.** In the event that archaeological or paleontological remains are uncovered during construction, excavation shall be temporarily suspended and redirected until the provisions of Public Resources Code Section 5097.5, 5097.9 et seq. are satisfied. (HA-GV 1.5)~~

Fire Hazard Mitigation

- A. ~~**Emergency vehicle access.** Two routes of ingress and egress shall be required for any discretionary new development or subdivision of land unless the Fire Department waives the requirement. (FIRE-GV 1.3)~~
- B. ~~**Water storage.** Where feasible, water storage facilities shall be part of a large system or public supply which is reliably maintained, rather than individual ad hoc systems. The County shall require that all new development in "high fire" classified areas pay fees to the Fire Department to fund annual inspections of~~

~~these systems. (FIRE GV 3.1)~~

Flood Hazard Mitigation

- ~~A. **Hydrologic Report.** A Hydrologic Report shall be prepared by a Department approved hydrological engineer, for any development within a floodplain that requires channel improvements. The Hydrologic Report shall be submitted to County Flood Control and the Department for review and approval. (FLD-GV 1.1)~~
- ~~B. **Channel improvement capacity.** Channel improvements shall be sufficient to convey the 100-year discharge and shall allow for revegetation of creek banks. (FLD-GV 1.1)~~
- ~~C. **Revegetation plans.** Creek revegetation plans shall be reviewed and approved by the Department and County Flood Control. Revegetation plans shall provide for complete revegetation of the creek channel, banks, and top of banks with appropriate native species. (FLD-GV 1.1)~~
- ~~D. **Flood control structure materials.** Natural building materials such as rock, heavy timber, and erosion control shrubs and wire revetment planted with native or naturalized plants shall be used wherever possible in replacing or constructing new flood control works. (FLD-GV 2.1)~~

Grading Standards and Geologic Hazard Mitigation

- ~~A. **BAR review prior to grading permit.** If subject to BAR review, no grading permits for building pads shall be issued until the structure has received Final BAR approval. (GEO-GV 4.2)~~
- ~~B. **Diversion of runoff.** All surface water runoff shall be culverted and diverted to avoid exposed slopes and directed to the nearest natural drainage channel with an energy dissipating outfall installed. (GEO-GV 5.3)~~
- ~~C. **Erosion control measures.** Erosion control measures including the use of drought tolerant landscaping shall be established in all site drainages. (GEO-GV 5.2)~~
- ~~D. **Landscape plan for steep slopes.** Landscape plans shall be required for all new development on slopes greater than 20 percent, to ensure revegetation of graded areas. All landscape plans shall be subject to review by the Department; landscape securities shall be required unless expressly waived by the Department. (GEO-GV 5.1)~~
- ~~E. **Problem soils.** Expansive and/or liquefiable soils shall be identified, removed, and replaced, if present, with suitable engineered backfill. Expansive soils shall be reused for landscaping only. (GEO-GV 6.2)~~
- ~~F. **Seismic safety.** New development shall be designed and constructed to withstand a horizontal bedrock acceleration of 0.25g. Critical structures and those on filled areas shall provide for an acceleration of 0.5g. The determination of structural adequacy shall be made by a qualified structural engineer. (GEO-GV 6.1)~~

Hazards – Oil and Gas Development Impact Areas

~~In areas impacted by oil and gas development, the applicant shall submit to the County Fire Department a soil sampling plan to investigate the extent of onsite soil contamination. Remedial measures shall be instituted by the developer as necessary in conjunction with the results of the soil sampling plan and the recommendations of EHS. (RISK-GV 2.1)~~

Height Limit – Sites with Fill

~~New residential structures shall be limited to an average maximum height of 16 feet above finished grade where site preparation results in a fill 10 feet or greater in height. (GEO-GV 4.1)~~

Site Specific Standards

The Goleta Community Plan provides standards for certain specific sites within the Community Plan Area.

A. ~~More Mesa (Site 34)~~

- ~~Policy LUDS-GV-1: With the exception of the County owned parcel (APN 65-320-04) which shall be designated Open Lands and zoned Recreation (REC), the More Mesa site (APN 65-320-01,02,07 through 10) shall be designated PD-70 and zoned PRD-70 and shall comply with the following development standards for any proposed development on the site:~~
- ~~DevStd LUDS-GV-1.1: No applications for development shall be accepted prior to approval of a Specific Plan for the entire site. A Specific Plan shall be prepared for the entire site (currently including APNs 65-320-01, 02, 07 through 10) which incorporates all of the conditions listed below and conforms to all other policies of the land use plan. The specific plan shall show the location of roads and structures and indicate the amount and location of open space for habitat preservation and public recreation. Any parcels within the More Mesa site purchased subsequent to the adoption of this Community Plan by the County or other public/private agencies for the purposes of resource /open space protection shall be excluded from the boundaries of the Specific Plan. All new development shall be confined to the buffer areas on the eastern side of the site indicated as being acceptable for development on Figure 10 of the Community Plan, with the exception of minor public improvements such as trails, signs and restrooms. Any high density development shall be clustered toward the north end of the developable area, with lower density development toward the south.~~
- ~~DevStd LUDS-GV-1.2: Prior to accepting any increase in the developable area depicted on Figure 10, or any increase in the number of allowable units over 70 to 100, County Planning and Development, in consultation with the site's property owner, the State Department of Fish and Game and California Coastal Commission, shall prepare a new study on the site's biological sensitivity to review the extent of the environmentally sensitive habitat designation for the site, the extent of developable area relative to biological resources, and the site's relative importance to the related open lands within the Atascadero Creek ecosystem. The study shall provide recommendations to protect ESH areas from the adverse effects of development, including identification of all areas that shall not be disturbed, buffer areas to protect all ESH areas from uses on the site and other appropriate methods to avoid disturbance to sensitive resources. This study shall include a recommendation on areas to be subject to development, potential numbers of units, and those areas to be preserved as permanent open space.~~
- ~~The property owner shall be responsible for funding the entire cost of undertaking this study, although the Planning and Development Department should assist in obtaining any available grants to help offset costs. During preparation of this study, Planning and Development Department shall consult with the property owner, State Department of Fish and Game and Coastal Commission at the following stages:~~
- ~~1. Prior to the request for proposals and during the selection of the consultants to be retained for the preparation of the study, focusing on study scope, methodology and costs.~~
 - ~~2. At the "kick-off" meeting for initiation of the study and at key points during the preparation of the study.~~
 - ~~3. During the review of the administrative draft, draft and final document stages of study preparation. Public review and/or hearings on the scope of the study and its eventual findings shall be conducted.~~
- ~~The final document shall contain a summary of the issues raised during preparation, particularly an outline of any disagreements between experts. The results of this study shall be subject to review and approval by the County Planning Commission, Board of Supervisors and Coastal Commission.~~
- ~~DevStd LUDS-GV-1.3: Concurrent with the preparation of the environmental document for the Specific~~

~~Plan for residential development on the site, the applicant shall fund the preparation of a habitat protection and management plan to be prepared under the direction of the Planning and Development Department in consultation with appropriate agencies. This plan shall provide recommendations on methods for the long term management and enhancement of the site's open space and environmentally sensitive areas emphasizing programs to reduce or eliminate the impacts of the project on the site's environmentally sensitive habitat areas and sensitive species as identified through the environmental and development review process. Preparation of this plan shall be coordinated with and account for any similar efforts on adjacent parcels owned by public agencies or private organizations.~~

~~**DevStd LUDS-GV-1.4:** A minimum of 20 percent of the site shall be dedicated to the County or another appropriate public agency and/or private organization to be set aside for public use. The majority of the dedicated area shall be located adjacent to and include the dry sandy beach, and shall include a minimum 100-foot undeveloped bluff top public open space area and should also include areas adjacent to public access from the nearest public road(s).~~

~~**DevStd LUDS-GV-1.5:** New development onsite shall be designed to accommodate maximum public access to the site and beach with appropriate public improvements, consistent with protection of ESH areas, maintenance of reasonable privacy for new residents of the site and retention of the open undeveloped character of the site. All access improvements shall be coordinated with those on any adjacent County owned land or trail system. Such access and improvements, to be provided by the developer(s) of the site, shall include the following:~~

~~— A minimum of one public access road, sited and designed to minimize disruption of the site's natural features and aesthetic qualities. This road or another public road shall form the western perimeter of the developable area, in order to provide a clear delineation between future developed areas and open space.~~

~~— Parking for a total of 300 cars, inclusive of existing parking on public roads within 100 yards of trailheads leading to the site, parking available on the new access road(s) and within a gravel/unpaved lot(s) designed to hold 100 cars. Areas of parking along new public street(s) shall be sited to minimize disruption for new residents while providing adequate space to meet the 300 car total. New parking areas shall be dispersed into a minimum of two, but preferably three new lots located toward the northern end of the property.~~

~~— An informal trail system aligned as closely as possible with the existing, primary historic trails shall provide access from both the site's east and west ends, and include stairway(s) to the beach, bluff top path(s), and accommodations for pedestrians, bikers and equestrians. The primary access trail from the east shall be realigned to the western boundary of the developable area in order to provide separation between public and private uses. All trails shall be sited and designed to maintain the natural character of the trails.~~

~~— Public restrooms, informal picnic/seating areas, bicycle racks and directional and interpretive signage as deemed appropriate by the County.~~

~~**DevStd LUDS-GV-1.6:** Prior to issuance of a CDP, the applicant(s) shall file a performance security with the County sufficient to cover the cost of all public improvements and mitigations described above, and the maintenance of such improvements for a period of at least 5 years. The total amount of this performance security shall be determined by the Public Works Department in consultation with the Park Department and the Planning and Development Department.~~

~~**DevStd LUDS-GV-1.7:** Development shall be clustered to minimize disruption of significant views from areas of high public use, and shall be located outside of all designated or potential Environmentally Sensitive Habitat areas.~~

~~**DevStd LUDS-GV-1.8:** All development on the site, including trails and roads, shall be sited and~~

designed to avoid areas used for nesting and roosting by the Black Shouldered Kites and other sensitive species as identified by the More Mesa Habitat Study.

~~**DevStd LUDS-GV-1.9:** To the maximum extent feasible, vegetation consisting of drought tolerant native species shall be used for landscaping to screen development from public use areas and to create buffers from ESH areas. Landscaping shall be designed to complement, enhance and restore native habitats onsite. As part of this buffer, a belt of native (e.g.: oaks, Sycamores, willows) and non native trees (e.g.: Monterey Cypress, Eucalyptus) shall be planted along the perimeter of the developable area and access road.~~

~~**DevStd LUDS-GV-1.10:** Natural building materials and colors compatible with the surrounding terrain shall be used on exterior surfaces of all structures, including water tanks and fences. The applicant shall submit architectural drawings of the project for review and approval by the BAR, concurrently with the submittal of grading plans to the Planning and Development Department.~~

~~**DevStd LUDS-GV-1.11:** Emergency access for the Fire Department shall be provided between development on this site and Via Roblada.~~

~~**DevStd LUDS-GV-1.12:** All development shall be sited to preserve land use compatibility between the clustered medium density development at More Mesa and the existing lower density development at adjacent Hope Ranch Park. Therefore, a landscaped buffer of a minimum of 50 feet shall be required between Hope Ranch Park and this clustered development in order to ensure required land use compatibility.~~

B. St. Vincent's (Site 15)

~~*Policy LUDS-GV-5:* The St. Vincent's site (APNs 59-130-14, 15) shall be designated Res. 1 and zoned DR-1 and shall comply with the following Development Standards for any proposed development on the site:~~

~~**DevStd LUDS-GV-5.1:** For planning purposes, the parcels that make up the St. Vincent's site shall be considered and planned as one unit. Residential density shall be calculated on the basis of the entire site. However, all dwelling units shall be located only on the portion of the site west of Via Chaparral (APN 59-130-15).~~

~~**DevStd LUDS-GV-5.2:** The portion of the site east of Via Chaparral (APN 59-130-14) should be used to satisfy a portion of the open space requirements for the entire site.~~

C. San Antonio Creek Road (Site 43)

~~**DevStd LUDS-GV-4.1:** New development onsite should consist of single family homes and all development, including roads, shall be limited to those areas depicted as being subject to development on Figure 15 of the Goleta Community Plan (about 18.3 acres). The remaining undeveloped areas (approximately 10.6 acres) shall be set aside as open space with an open space or other protective easement dedicated to the County or appropriate land protection organization.~~

~~**DevStd LUDS-GV-4.2:** Prior to development of the site, attractive fencing shall be required to demarcate the boundaries of the native grassland. No grazing or other practices detrimental to the long term health of these habitats shall be permitted within the boundaries of this open space area.~~

~~**DevStd LUDS-GV-4.3:** As part of development of this site, the proposed access road shall be used as a border between the area to be developed and the open space easement for the grassland preserve. Emergency access through this site connecting the proposed access road and Via Clarice must meet Fire Department approval and shall be provided as part of project development.~~

~~**DevStd LUDS-GV-4.4:** All lots shall be developed with single family detached residences, with~~

setbacks conforming to R-1 standards.

D. ~~West Devereux Specific Plan Area (Site 12)~~

~~Policy LUDS-GV-2: The entire Specific Plan area (APNs 79-090-10, 13, 50) shall have a maximum buildout of 409 units. The existing golf course (APN 79-090-10) shall be designated PD-58 and zoned PRD-58. The remainder of the site (APN 73-090-13, 50) shall be designated PD-351 and zoned PRD-351. All development within the Specific Plan area shall comply with the following development standards:~~

~~**DevStd LUDS-GV-2.1:** The County prefers that the golf course retain its existing use, with allowed units transferred as density credits off site through the County TDR program. If the owner of the remainder of the site wishes to purchase the golf course's units for development on its own property, the County shall consider applications for redesignation and rezone to allow for such a transfer, up to a maximum designation/ zoning of 409 units total. Upon the property owner's request, the County shall consider waiving fees for such applications to facilitate the transfer. If any of the units assigned to the golf course are constructed on the golf course site, at least 60% of the golf course site shall be retained in open space. The County's preferred option for such open space would be habitat restoration and other passive public open space uses.~~

~~**DevStd LUDS-GV-2.2:** A maximum of up to 122 units may be constructed south of the existing golf course.~~

~~**DevStd LUDS-GV-2.3:** As long as the entire site remains under the land use jurisdiction of the County, no applications for development shall be accepted prior to approval of a Specific Plan for the site. A Specific Plan shall be prepared for the entire site (APN 73-090-10, 13, 50) which incorporates all of the conditions listed below and conforms to all other policies of the of the land use plan. The Specific Plan shall show the location of roads and structures and indicate the amount and location of open space for habitat preservation and public recreation, including the location and design of public trails and public access parking. Applications for a Specific Plan may be processed by any of the property owners within the Specific Plan boundaries, independent of the others.~~

~~If the University of California purchases a portion of the site, the University shall coordinate its site planning with the County's planning for the remainder of the site, so as to be consistent to, the fullest extent feasible, with the Santa Barbara coastal program, as required by Pub. Res. Code §30605.~~

~~**DevStd LUDS-GV-2.4:** All new residential development shall be confined to those areas primarily north of the existing oil facility access road as depicted on Figure 11 (the developable area). Vehicular access to residential areas south of the golf course shall be from Phelps Road. The design of this access road shall be coordinated with that for any development on the Ellwood Beach Santa Barbara Shores Specific Plan area to the west.~~

~~**DevStd LUDS-GV-2.5:** A maximum of 409 residential units may be constructed within the Specific Plan boundaries, with a minimum of 25% to be affordable to persons of low or moderate income consistent with the policies of the County's Housing Element.~~

~~**DevStd LUDS-GV-2.6:** A minimum of 50% of the site (exclusive of the existing golf course and the areas developed with oil facilities) shall be retained in public and common open space. At a minimum, areas dedicated as public open space shall include the dry sandy beach, the dune and back dune area extending between the University preserve to the east and the Ellwood Beach parcel to the west, and appropriate areas along the proposed trail system.~~

~~**DevStd LUDS-GV-2.7:** Concurrent with or prior to the preparation of the environmental document for the Specific Plan for residential development on the site, the applicant shall fund the preparation of a habitat and open space management plan to be prepared under the direction of the Planning and~~

~~Development Department in consultation with other interested agencies (e.g., the University, State Department of Fish and Game, Regional Water Quality Control Board, Coastal Commission). This plan shall provide recommendations on methods for the long term management and enhancement of the site's open space, including restoration of degraded areas south of the golf course, and management of the upland drainage area of Devereux Slough in order to protect this wetland habitat and the sensitive dune, backdune and freshwater pond areas from adverse impacts of development or recreational use of the site. This plan should also consider the appropriate design and location of the trail system, review the appropriate role for the ephemeral drainage located in the southern portion of the developable area, and provide recommendations regarding the possible restoration of this channel. These latter recommendations should include stabilization, possible regrading and the potential for revegetation with native species, as well as the incorporation of this channel into a combination landscape buffer and public access corridor for the coastal hiking and biking trail. This plan should be created to complement and coordinate with other appropriate management practices in the adjacent University Preserve, or that may occur as a result of development on the Southwest Diversified/Santa Barbara Shores property, or as part of the overall Management Plan for a Devereux Slough Ecological Preserve.~~

~~**DevStd LUDS-GV-2.8:** Attractive fencing around the dune area shall be provided to restrict horses, ORVs and mountain bikes. Signs shall also be posted informing the public of the fragility of the area and requesting that they keep off the dunes.~~

~~**DevStd LUDS-GV-2.9:** An informal trail system shall be provided in locations which are aligned as closely as possible, with the existing main historic trails onsite, consistent with the protection of ESH areas and the recommendations of the Habitat and Open Space Management Plan. At a minimum, this trail system shall provide for access to the site and through the site to the beach from both Phelps and Storke Roads, with a small parking area for 20 cars provided off Phelps Road near the northwest corner of the site. The design of this trail system shall be coordinated with that of Ellwood Beach to the west, to assure that at least one continuous trail links the properties. A revegetated drainage course and open space buffer, which could include the existing ephemeral drainage and/or other physical access restrictions (e.g., walls, fences, etc.), consistent with the recommendations of the Open Space and Habitat Management Plan, shall be provided along the southern boundary of the area developed in residential uses in order to direct public access onto the trail system and limit other impacts of residential development on ESH areas.~~

~~**DevStd LUDS-GV-2.10:** To the maximum extent feasible, vegetation consisting of drought tolerant and other native species shall be used for landscaping to screen development from public use areas and to create a buffer from ESH areas. Landscaping shall be designed to complement, enhance and restore native habitats onsite.~~

~~**DevStd LUDS-GV-2.11:** Prior to issuance of a CDP, the applicant shall file a performance security with the County sufficient to cover the cost of all public improvements and mitigations required, and the maintenance of such improvements for a period of at least five years. The total amount of this performance security shall be determined by the Publics Works Department in consultation with the Park Department and the Planning and Development Department.~~

~~**DevStd LUDS-GV-2.12:** Natural building materials and colors compatible with the surrounding terrain shall be utilized on all exterior surfaces of all structures, including fences.~~

~~**DevStd LUDS-GV-2.13:** The West Devereux Specific Plan shall provide for a minimum 200 foot buffer between the north side of the existing access road traversing the property (Figure 11) and any permitted development north of the access road; this buffer shall be maintained in open space, and shall be revegetated with appropriate native plant species. Additionally, the riparian habitat along Devereux Creek within the Ocean Meadows Golf Course shall be restored as part of the development of either the Ocean Meadows Golf Course or the development of the University Exchange parcel if the development rights from Ocean Meadows are transferred to the surrounding University Exchange property. The Ocean~~

Meadows' property owner is responsible for completing the restoration in either event.

~~DevStd LUDS-GV-2.14:~~ The Ellwood Marine Terminal facilities shall be removed upon termination of the current operation and the natural habitat values of the site shall be restored to a condition approximating those which existed prior to the initial construction of the facilities.

~~DevStd LUDS-GV-2.15:~~ The West Devereux Specific Plan shall be coordinated with the Specific Plan for the Santa Barbara Shores/Ellwood Beach properties to ensure maximum protection of Devereux Creek, the Devereux Slough, and the adjacent upland and marine habitats.

Visual Resources

- ~~A. Protection of views from roadways.~~ Setbacks, landscaping, and structural treatments shall be emphasized along major roadways to help preserve viewsheds and create an aesthetic visual corridor. Parking lots and other impervious surfaces should be placed in side and rear, rather than frontage, areas in all development along roadways. (VIS-GV-1.1)
- ~~B. Outdoor lighting.~~
- ~~1. Outdoor lighting in Goleta shall be designed and placed so as to minimize impacts on neighboring properties and the community in general. (VIS-GV-6)~~
 - ~~2. All new development with major outdoor lighting facilities should be illuminated with only fully shielded lighting with low glare design. (VIS-GV-6.1)~~
- ~~C. LPS lighting.~~ LPS lighting or other alternative methods used for street lighting, parking lot lighting, and security lighting should be investigated by the Public Works Department. (VIS-GV-6.2)
- ~~D. Greenhouse lighting.~~ All new greenhouse development in excess of 2,500 square feet which is visible from a major public roadway or other area of public use (e.g., bike path) shall be sited and designed to minimize visual impacts from these viewing places. The provision of increased setbacks and landscape buffers shall be considered for new greenhouse development. (VIS-GV-4)
- ~~E. Water Tanks.~~ In hillside areas where water tanks are required for structural fire fighting purposes, tanks should be designed to: 1) blend in with natural land forms; 2) not impinge on the viewshed; and 3) be screened by landscaping. (VIS-GV-5)
- ~~F. Greenbelts.~~ For developments proposed on parcels being converted out of agricultural use, greenbelt buffer strips and, if appropriate, original orchard plants, should be retained to the extent possible and included within the overall landscape plan for the project. (VIS-GV-7)

Part 3 – Los Alamos Community Plan Development Standards

Sections:

Purpose
 Applicability
 Air Quality and Energy Conservation
 Circulation Requirements
 Fire Hazard mitigation
 Flood Hazard Mitigation
 Landscaping and Irrigation
 Noise
 Agricultural/Residential Interface
 San Antonio Creek Protection
 Tree Preservation

Site Specific Standards
Visual/Open Space Resources

Purpose

~~This Chapter provides development standards from the Los Alamos Community Plan.~~

Applicability

~~The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Los Alamos Community Plan in addition to all other applicable requirements of this Development Code.~~

Air Quality and Energy Conservation

- ~~A. — **Best available control technologies.** — Future project construction in Los Alamos shall follow all requirements of the Santa Barbara Air Pollution Control District (APCD) and shall institute Best Available Control Technology (BACT) where necessary to reduce emissions below APCD thresholds. (AQ LA 1.1.1)~~
- ~~B. — **Construction management.** — Project construction shall minimize the generation of pollution and fugitive dust during construction. (AQ LA 1.1.2)~~
- ~~C. — **Energy conservation to reduce pollution.** — In order to conserve energy and minimize pollution the review authority shall consider requiring the following energy conserving techniques when reviewing discretionary projects: (AQ LA 1.4.1)~~
- ~~1. — The installation of low NOx residential and commercial water heaters and space heaters per specifications in the 1991 Santa Barbara Air Pollution Control District Air Quality Attainment Plan;~~
 - ~~2. — The installation of heat transfer modules in furnaces;~~
 - ~~3. — The use of light colored water based paint and roofing materials;~~
 - ~~4. — The installation of solar panels for residential water heating systems and other facilities and/or the use of water heaters that heat water only on demand;~~
 - ~~5. — The use of passive solar cooling/heating;~~
 - ~~6. — The use of natural lighting;~~
 - ~~7. — Use of concrete or other non-pollutant materials for parking lots instead of asphalt;~~
 - ~~8. — Installation of energy efficient appliances;~~
 - ~~9. — Installation of energy efficient lighting;~~
 - ~~10. — Use of landscaping to shade buildings and parking lots;~~
 - ~~11. — Installation of walkways; and~~
 - ~~12. — Installation of covered bus stops to encourage use of mass transportation.~~

Circulation Requirements

- ~~A. — **Alternative transportation.** — New development shall be sited and designed to encourage pedestrian and bicycle travel and provide maximum access to facilities that offer alternative modes of transportation (e.g. park and ride areas, bus stops). (CIRC LA 2.1)~~

- ~~**B. Walkways along Bell Street.** Walkways (e.g., sidewalks, boardwalks) shall be required for all new development along the Bell Street commercial core. Walkways shall be in conformance with the Bell Street Design Guidelines. (CIRC LA 1.6)~~
- ~~**C. Secondary access road.** If required by the Fire Department or Public Works Department, a secondary access road shall be provided prior to development of the Affordable Housing Site parcels (APN's 101-110-01, 03, 04, 05, and 035) depicted in Figure 240-1 (see Los Alamos Community Plan), west of Hwy. 101 and north of San Antonio Creek. Specific alignment of this road shall be subject to review and approval by appropriate agencies (i.e. County Fire Dept., County Public Works, etc). (Policy CIRC LA-1.7)~~
- ~~**D. APN 101-100-017.** Any Development Plan proposed for APN 101-100-017 shall include a detailed study of the potential traffic impacts resulting from the project on the configuration of the northbound Highway 101 off ramp, relating to both level of service and safety. As a condition of Development Plan approval, the developer shall provide traffic improvements that will fully mitigate the traffic impacts. (Policy CIRC LA 1.8)~~

Fire Hazard Mitigation

- ~~**A. Fire safety water supplies.** Water system and storage facilities shall be engineered to provide adequate fire flows, capacities and pressures necessary to meet the needs of the planning area. Fire hydrants shall be located along streets, and, where necessary, within developments as required by the County Fire Department. (FIRE LA 1.1)~~
- ~~**B. Fire safe landscape.** Developments adjacent to fire prone natural open space areas for which a landscape plan is required shall incorporate firescape techniques. Homes on the periphery of the community shall be reviewed and greenbelt buffers shall be provided by the applicant as required by the County Fire Department. Additional protective setbacks may also be required by the County Fire Department. (FIRE LA 1.2)~~

Flood Hazard Mitigation

- ~~**A. Limitation on impervious surfaces to reduce runoff.** The County shall discourage the use of impervious surfaces in new development and encourage the use of permeable surfaces (e.g., avoid concrete drainage structures, devices, and install porous ground cover such as gravel, turf block, etc.). (FLD LA 1.1.4)~~
- ~~**B. Residential units in flood-prone areas.** Residential units that are proposed in areas prone to flooding which are required by the County Flood Control District to provide raised finish floor elevations shall accomplish this requirement by use of a raised foundation rather than by the use of fill above what is required to provide adequate drainage of the lot. (FLD LA 1.1.5)~~

Landscaping and Irrigation

- ~~**A. Minimization of exterior water usage/drought-tolerant species.** All new development shall minimize exterior water usage for landscaping purposes. All new development shall maximize the use of drought-tolerant native or Mediterranean species and low flow irrigation for landscaping purposes. (WAT LA-1.2, WAT LA 1.2.1)~~
- ~~**B. Native species.** Species native to the immediate area (i.e., oaks, willows, sycamores) shall be incorporated into all landscape plans in order to preserve the existing oak savannah character of the area. (BIO LA 1.5)~~

Noise

~~Consistent with the Noise Element, noise sensitive uses should not be located within the 65 dB(CNEL) and~~

above noise contour. (N LA 1.1.1)

Agricultural/Residential Interface

~~A. **Right to Farm notice.** As a condition of approval for all discretionary residential projects that are immediately adjacent to agricultural lands, potential purchasers of lots adjacent to agricultural land shall be notified on the property title of the potential for agricultural activities on adjacent parcels. (LUR LA 1.3.1)~~

~~B. **Agricultural protection.** In order to reduce conflicts between residences and agricultural operations, proposed residential development that borders on agriculturally designated land shall integrate mechanisms (such as fences and/or buffer areas) into the project design. (LUR LA 1.3)~~

San Antonio Creek Protection

~~A. **Creek buffer.** A buffer for San Antonio Creek shall be established based on an investigation of the following factors, and after consultation with the Department of Fish and Game and Regional Water Quality Board, to protect the biological productivity and water quality of the creek:~~

- ~~1. soil type and stability of stream corridors;~~
- ~~2. how surface water filters into the ground;~~
- ~~3. slope of the land on either side of the stream;~~
- ~~4. location of the 100-year flood plain boundary; and~~
- ~~5. consistency with adopted plans, particularly Biology/Habitat policies.~~

~~— The buffer may be adjusted upward or downward on a case by case basis but shall not preclude reasonable development of a parcel. The buffer area shall be indicated on all grading plans. All development, including grading and vegetation removal shall be limited consistent with the purpose of protecting the riparian habitat of San Antonio Creek without precluding reasonable development of the parcel. (BIO LA 1.1.1)~~

~~B. **Limitations on development.** Development (including dredging, filling and grading) within the San Antonio Creek corridor shall be limited to the following:~~

- ~~1. Public trails or other passive public recreational uses;~~
- ~~2. Flood control projects, where the project is for improvement or maintenance of stream channel flow capacity and/or is necessary for public safety or to protect existing development;~~
- ~~3. Development where the primary function is the improvement of fish and wildlife habitat;~~
- ~~4. Culverts, fences, pipelines, and bridges (when support structures are located outside critical habitat) may be permitted, when no alternative route/location is feasible;~~

~~— All proposed development within the corridor shall be evaluated as to their biological consequences and shall incorporate the best feasible mitigation measures (including enhancement and/or restoration) to minimize the impacts to the greatest extent. All proposed revegetation and restoration plans shall be evaluated by the County. Plans for protection, restoration, and/or enhancement shall allow for wildlife movement and avoid ecological "islands." (BIO LA 1.1.2)~~

Sewage Treatment Capacity and Discharge Quality

~~In order to approve a discretionary permit project within the Los Alamos Community Services District, the review authority shall first find, consistent with Land Use Element Land Use Development Policy 4, that~~

adequate capacity exists from the Los Alamos sewer treatment system, given County accepted figures, to service the specific project, as well as 50 percent of potential ministerial development from any existing legal lots. Approval of the project shall be found not to cause a significant deterioration (per Regional Water Quality Control Board standards) in the quality of total effluent discharge. (SD LA 1.1.2)

Tree Preservation

- A. General standard.** All existing protected trees shall be protected from damage or removal to the maximum extent feasible. For the purposes of this Section, protected trees are defined as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species. Native or non native trees that have unusual scenic or aesthetic quality, have important historic value, or are unique due to species type or location shall be preserved to the maximum extent feasible. (BIO LA 1.3, 1.3.1)
- B. Tree Protection Plan requirements.** Where oak trees may be impacted by new development (either ministerial or discretionary), a Tree Protection Plan may be required by the Director.
- 1. When required.** The decision to require preparation of a Tree Protection Plan shall be based on the location of the trees and the project's potential to directly or indirectly damage the trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching, or the proposed use of the property.
 - 2. Plan content.** The Tree Protection Plan shall be based on the County's existing Tree Protection Plan standards and shall include a graphic depiction of the Tree Protection Plan elements on final grading and building plans. (Existing landscape plans submitted to the Board of Architectural Review (BAR) may be sufficient.) A report shall be prepared by a County approved consultant which indicates measures to be taken to protect affected trees where standard measures are determined to be inadequate. If necessary, an appropriate replacement/replanting program may be required.
 - 3. Plan preparation cost.** The Tree Protection Plan shall be developed at the applicant's expense.
 - 4. Timing of plan approval.** The Plan shall be approved by the County prior to recordation of a map or recordation of survey or prior to issuance of a Land Use Permit. (BIO LA 1.4.1)

Site Specific Standards

The standards of this Section apply to specific parcels as identified by their Assessor's Parcel Number (APN), as that number was assigned on the effective date of these standards.

- A. APNs 101-100-015 and -016.** The following standards apply to APNs 101-100-015 and 101-100-016.
- 1. Notice to property owner required.** The property owners of these parcels shall be required to record a "Notice to Property Owner" which states that the affected parcel is located adjacent to land designated and zoned for light industrial use. (LUR LA 1.5.1)
 - 2. Setback requirements.** Development shall be designed to provide a 25-foot setback shall from the rear (eastern) property line within which no residential development shall be allowed. Walls and fences are allowed in this setback, and landscaping to screen structures shall be required within the setback. (LUI LA 1.1.1)
- B. APNs 101-100-017, 101-110-001, 101-260-026, -044, and -045.** When considering applications for development, the review authority shall give special consideration to potential visual impacts that may occur upon development of these "gateway" parcels. In addition to any measures which would be required as a result of site specific review at the time of development, the following measures shall apply to each development proposal. See also Subsection C below, for additional standards applicable to APN

101-110-001, and Subsection E below, for additional standards applicable to APN 101-100-017.

- ~~1. **Setback requirements.** At a minimum, development of structures shall be prohibited within 50 feet of the property line, unless the review authority determines that this precludes reasonable development.~~
- ~~2. **View preservation.** Any structure with potential to obstruct views of the Purisima Hills or of the Solomon Hills from a public viewpoint or travel corridor shall be designed so as to preserve views of these hills to the maximum extent feasible.~~
- ~~3. **Grading limitations.** Grading for structural improvements on slopes in excess of 20 percent shall be prohibited.~~
- ~~4. **Outdoor lighting.** Outdoor lighting shall be directed toward the ground. Property owners should install low pressure sodium lights, directed to the ground, for exterior yard night lighting.~~

~~(VIS-LA-1.1.2)~~

~~C. **APNs 101-110-001, 003, 004, 005, and 035.** The following standards apply to APNs 101-110-001, 003, 004, 005, and 035. See also Subsection B above, for additional requirements applicable to 101-110-001.~~

- ~~1. **Aesthetic impacts.** In order to reduce aesthetic impacts, natural building materials and colors shall be used, and a Mediterranean and/or native plant landscaping plan shall be implemented.~~
- ~~2. **Archaeological resource protection.** A Phase I archaeological survey shall be performed prior to site preparation.~~
- ~~3. **Bike path and transit access.** Development should be designed to allow convenient access to bike paths and public transit if available.~~
- ~~4. **Bridge improvement or construction.** Any improvement of the St. Joseph Street bridge or construction of a secondary access bridge shall not be performed at the specific site during nesting of sensitive riparian dependent birds, and graded areas shall be revegetated with a native seed mix.~~
- ~~5. **Excavation and grading.**
 - ~~a. Excavation and grading shall be limited to the dry season of the year; graded surfaces shall be immediately reseeded with native ground cover; temporary and permanent erosion control measures shall be installed.~~
 - ~~b. In order to reduce impacts to San Antonio Creek during construction, grading activities shall be prohibited within 50 feet of the top of the creek bank, and other measures to reduce siltation and pollution into the creek shall be implemented as necessary.~~
 - ~~c. As necessary, grading shall be phased to reduce short term particulates.~~~~
- ~~6. **Landscaping.**
 - ~~a. To reduce water demand, new development shall maximize the use of drought tolerant native or Mediterranean species for landscaping purposes.~~
 - ~~b. A minimum 50 foot landscape buffer consisting of native trees and shrubs shall be required along San Antonio Creek.~~
 - ~~c. A tree preservation and replacement plan for native oak trees shall be required.~~~~
- ~~7. **Noise mitigation.** An acoustical analysis shall be required which demonstrates that interior noise levels for residential structures would not exceed 45 dBA and noise levels in exterior living spaces~~

would not exceed CNEL 65 dBA. The analysis shall provide recommendations on how to achieve these acceptable noise levels.

~~8. **Recycling requirements.** A recycling and composting program shall be implemented to help reduce solid waste impacts.~~

~~9. **Secondary access road.** If required by the Fire Department or Public Works Department, a secondary access road shall be provided prior to development, as shown in Los Alamos Community Plan 240-1, west of Highway 101 and north of San Antonio Creek. The specific alignment of the road shall be subject to review and approval by appropriate agencies (i.e., County Fire Dept., County Public Works, etc). (CIRC LA 1.7)~~

~~10. **Slopes and development limitations.** Development shall be restricted on slopes of 20 to 30 percent in the eastern portion of the site.~~

~~D. **APNs 101-260-045 and 101-260-026.** The following standards apply to APNs 101-260-045 and 101-260-026.~~

~~1. **Noise levels and visual impacts.**~~

~~a. Development shall be designed and sited to minimize exterior noise levels as well as visual impacts. (N LA 1.1.2)~~

~~b. Building orientation shall be designed to minimize the need for noise attenuation structures/devices which would be required to reduce adjacent highway noise. No freestanding soundwalls shall be permitted. (N LA 1.1.3)~~

~~2. **Density reductions.** The densities specified for these parcels are maximums that may be reduced by the review authority as warranted by conditions specifically applicable to the site, such as noise and visual resources. (N LA 1.1.4)~~

~~E. **APN 101-100-017.** The following standards apply to APN 101-100-017 (the Carrari parcel).~~

~~1. **Visual impact.** Development shall be designed, sited, graded, and landscaped in a manner that minimizes its visibility from public roads and encourages compatibility with neighboring parcels through the use of landscaping, setbacks, height limitations and/or other measures identified during project review (in addition to the other measures required by this Development Code). (LUI LA 1.1)~~

~~2. **Traffic mitigation.** Any Development Plan proposed for APN 101-100-017 shall include a detailed study of the potential traffic impacts resulting from the project on the configuration of the northbound Highway 101 off ramp, relating to both level of service and safety. As a condition of Development Plan approval, the developer shall provide traffic improvements that will fully mitigate the traffic impacts. (CIRC LA 1.8)~~

~~3. **Adjacent residential uses.** Consideration shall be given to adjacent residential uses. (LUR LA 1.5)~~

~~F. **Bell Street frontage setbacks.** For parcels within the Design Control (D) Overlay District that have Bell Street frontage and a commercial use, setback from the Bell Street right-of-way shall not be required. All other setback requirements of the applicable zone shall apply.~~

~~Visual/Open Space Resources~~

~~A. Within the Urban Boundaries, new development shall maintain the open space views and rural character in and around the town's urban boundaries. New development shall maintain and enhance the aesthetic qualities of the community in all facets of project design. (Goal VIS LA 1)~~

- ~~B. The informal, semi rural visual character of the community and its existing neighborhoods shall be respected to the maximum extent feasible along the Highway 101 corridor (defined as that area visible from Highway 101 within the town's urban boundaries). (Policy VIS LA 1.1)~~
- ~~C. New buildings and street improvements on Bell Street should augment and compliment the traditional structures and buildings associated with Los Alamos' historic past. The architecture should reflect the traditional qualities associated with the concept of "Rural Western Town." (Policy VIS LA 1.2)~~
- ~~D. New housing developments should be designed to be compatible with existing adjacent neighborhoods with regard to character and design. (Policy VIS LA 1.3)~~
- ~~E. New housing development shall be consistent with the small rural atmosphere of Los Alamos by avoidance of tract style development patterns, by providing a variety of non-obtrusive housing styles and types, and by incorporating grid pattern street networks. (VIS LA 1.3.1)~~

~~Part 4 – Mission Canyon Specific Plan Development Standards~~

~~Sections:~~

- ~~Purpose~~
- ~~Applicability~~
- ~~Cultural Resources~~
- ~~Fire Safety~~
- ~~Landform Alterations~~
- ~~Seismic Safety~~
- ~~Septic Tanks~~
- ~~Site Access and Parking~~
- ~~Tree Preservation~~
- ~~Water~~

~~Purpose~~

~~This Chapter provides development standards from the Mission Canyon Specific Plan.~~

~~Applicability~~

~~The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Mission Canyon Specific Plan in addition to all other applicable requirements of this Development Code.~~

~~Cultural Resources~~

~~An application for a project involving grading or other land alterations shall be referred to the Department for an assessment of archaeological/historical resource sensitivity and the formulation of any necessary mitigation measures.~~

~~Fire Safety~~

~~The entire unincorporated Specific Plan area is included within the County's High Fire Hazard Zone. All existing and new development therefore must comply with County Code requirements for the High Fire Hazard Zone.~~

~~Landform Alterations~~

~~A. Slope limitation for grading and other development.~~

- ~~1. All development, including grading, on slopes of 30 percent or greater shall be avoided, unless this~~

~~would preclude all reasonable development of the parcel.~~

- ~~2. All development, including grading, should be avoided on slopes of 20 percent or greater, except in special instances where prohibition would preclude any reasonable, otherwise permitted use of a legal parcel.~~

~~These standards shall be considered in project design and shall be enforced by both the Department (during Land Use Permit application review) and the Special Problems Committee.~~

~~**B. Grading standards.** The overall shape, height and grade of any cut or fill slope shall be developed in concert with existing natural contours and scale of the natural terrain of the particular site.~~

- ~~1. **Transition design.** The angle of the graded slope shall be gradually adjusted to the angle of the natural terrain.~~

- ~~2. **Screening and revegetation.** Graded slopes shall be concealed wherever possible, and revegetation of those slopes shall be required (see Subsection B.4 below). The siting of proposed structures on any project site shall be such that maximum concealment of a created cut slope is accomplished.~~

- ~~3. **Slope contouring.** The toe and crest of any slope in excess of 10 feet vertical height, excepting the toe of any slope within 25 feet of a dwelling, shall be rounded with vertical curves of radii no less than five feet and designed in proportion to the total height of the slope. Any manufactured slope bank in excess of 10 feet vertical shall have variable gradients.~~

- ~~4. **Landscaping.** Where cut and fill slopes more than three feet are created, a detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted to the Department as part of the grading permit review process.~~

~~a. Landscape planting of slopes will incorporate skyline tree planting to soften architectural forms.~~

~~b. Slope planting shall blend with the natural terrain and then transition to ornamental planting adjacent to the building pad.~~

~~c. Natural drainage courses shall be maintained wherever possible.~~

~~d. Bonding of landscape improvements shall be provided prior to lot sales on any discretionary proposal.~~

Seismic Safety

~~The Special Problems Committee will review all project applications and may require any engineering geology and/or fault investigations that it determines to be necessary for a particular project.~~

Septic Tanks

~~New septic systems shall be allowed only within the Septic System Maintenance Area identified by the Mission Canyon Specific Plan, where the creation of new lots smaller than one acre is prohibited. The siting and design of all septic systems in this area shall be reviewed by the Special Problems Committee.~~

Site Access and Parking

~~**A. Access.** Each access road and driveway serving to new dwelling units shall be designed and built to allow emergency vehicle access. New street/driveway intersections will have adequate vision clearance.~~

~~**B. Parking.** New development shall provide adequate off-street parking for residents and guests, especially~~

in areas where "No Parking" restrictions exist on adjacent roads and/or where roads are narrow, winding, and/or steep. No Variances or Modifications should be granted for the number of parking spaces required by this Development Code; however, the review authority may grant modifications if it determines that special circumstances exist.

Tree Preservation

New development shall avoid, to the maximum feasible extent, the removal of native and specimen ornamental trees. Those trees deserving special protection include oaks, sycamores, California bays, alders, willows, and maples.

- A. The plot plan submitted with any application for a Land Use Permit shall indicate the location of each tree proposed for removal; only healthy trees with a circumference of 17 or more inches measured at 24 inches above adjacent ground level are required to be mapped.
- B. If it is determined by the Department that proposed tree removal cannot feasibly be avoided, removed trees shall be relocated or replaced onsite. Preferably, replacements for native trees shall be propagated from onsite or nearby specimens. Bonding or other appropriate securities may be required to help ensure the successful relocation/replacement of affected trees.

Water

- A. An applicant requesting City water service shall submit certified title information to the City as proof that the property proposed for development is included under one of the agreements whereby the City provides water service to certain portions of the unincorporated Specific Plan area.
- B. When applying for a Land Use Permit for residential development within the City's water service area, the applicant shall submit to the Department a "Can and Will Serve" letter from the City Public Works Department. Alternatively, if City service is not available for any reason, the County may accept proof of an adequate private or public water supply approved by the County Environmental Health Services Division.
- C. In the case of proposed development outside the City's water service area, the County shall apply its normal requirements for proof of water availability.

Part 5—Orcutt Community Plan Development Standards

Sections:

- Purpose
- Applicability
- Agricultural Preservation
- Air Quality
- Biological Resources
- Circulation
- Construction Related Impacts
- Cultural Resources Preservation
- Fire Prevention
- Flood Hazard Mitigation
- Grading Standards and Geologic Hazard Mitigation
- Hazardous Materials and Activities
- Noise Standards
- Open Space Area Standards
- Park and Recreation Facilities

~~Public Facilities Financing
Recycling Facilities
Site Specific Standards
Visual Resources
Wastewater Facilities
Water Supply~~

Purpose

~~This Chapter provides development standards from the Orcutt Community Plan.~~

Applicability

~~The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Orcutt Community Plan in addition to all other applicable requirements of this Development Code.~~

Agricultural Preservation

~~A. **Compatibility with agricultural uses.** Development in Orcutt shall be compatible with adjacent or nearby agricultural lands. (LUA O 2)~~

~~B. **Agricultural and oil operation buffers.**~~

~~1. Fencing, berming and/or landscaping shall be installed along property lines or across ends of street stubs contiguous to agricultural and/or permitted oil operations unless a waiver to the satisfaction of the Department is obtained from the adjacent agriculturists and property owners, and/or operators. Fencing, berming and/or landscaping shall be designed, installed, and maintained to protect agricultural land and permitted oil operations from effects of residential development. (LUA O 2.1)~~

~~2. All new urban and Existing Developed Residential Neighborhood development that borders agriculturally designated lands shall include a minimum 100 foot buffer between structures and agricultural land and shall include appropriate landscaping, including but not limited to the planting of hedges and/or windrows with a sufficient density of trees and shrubs to reduce noise, odor, dust or chemical effects associated with the agricultural operations. This buffer is a minimum adjacent to lighter agricultural uses (including grazing) and should be adjusted upward if the adjacent agricultural operation is considered more intensive (including strawberry cultivation or oil development). (LUA O 2.3)~~

~~C. **Notice of agricultural use.** Consistent with the county's right to farm ordinance, a buyer beware notification shall be recorded on a separate information sheet with the final tract and/or parcel maps of properties within 1,000 feet of agriculturally zoned land. The notification shall inform the buyer that:~~

~~— The adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, including permitted oil development, and that any inconvenience or discomfort from properly conducted agricultural operations, including permitted oil development, shall be allowed consistent with the intent of the Right to Farm Ordinance. For further information, contact the Santa Barbara County Planning and Development Department. (LUA O 2.2)~~

Air Quality

~~A. **Mixed use development.** The County should encourage mixed use developments that provide commercial services such as day care centers, restaurants, banks, and stores near employment centers. (AQ O 1.3)~~

~~B. **Dust emission reduction.** Significant fugitive dust and PM10 emissions shall be reduced through~~

~~implementation of appropriate construction restrictions and control measures, consistent with standards adopted by the Board. (Policy AQ-O-2)~~

Biological Resources

- ~~**A. Resource protection.** Development shall be sited and designed to avoid disruption and fragmentation of significant natural resources within and adjacent to designated undeveloped natural open space areas, minimize removal of significant native vegetation and trees, preserve wildlife corridors and provide reasonable levels of habitat restoration. Where possible, significant natural resources, including specimen trees, adjacent to designated, natural undeveloped open space corridors should be preserved. (BIO-O-1.1)~~
- ~~**B. Habitat restoration.** Development within or adjacent to designated natural open space areas shall be reviewed for, and required to implement, habitat restoration where site specific impacts require restoration. If restoration on or near the site is not feasible, acquisition and preservation of additional habitat acreage should be considered, as a last resort if no other like kind habitat mitigation options are available, payment into a mitigation bank program within the Orcutt Planning Area that is acceptable to the County as provided for by Subsection E below. Mitigation and restoration plans should identify acreage impacted, replacement ratios, success criteria, remedial measures, and funding and responsibility for long term maintenance and monitoring. All such restoration projects shall utilize native plants derived from local (Orcutt) seed and cutting stock, or as deemed biologically acceptable by a County-qualified biologist. Wildlife relocation should be avoided. However, any wildlife relocation should be coordinated with Fish and Game and be consistent with applicable State standards. (BIO-O-1.2)~~
- ~~**C. Development siting near Bishop pine forests.** To allow the potential for wildfire and tree regeneration to occur, new structures should be located an adequate distance from the Bishop Pine forest boundaries. Trails should be sited and designed to protect Bishop Pine forests. (BIO-O-1.4)~~
- ~~**D. Fire protection activities.** Development adjacent to undeveloped natural open space within high fire hazard areas shall be sited and designed to minimize the need for fire protection activities (e.g., fuel breaks) that may potentially disrupt these areas. Structures shall be sited a minimum of 100 feet from the edge of designated open space areas in the rural area and along the urban/rural corridors (e.g., Orcutt Creek). This setback may be adjusted downward to retain open space vegetation and allow reasonable use of a property. Fire fighting equipment access shall be allowed within this setback and landscaping within this area should not impede the use of the equipment. Paved roads and trails may be allowed within the setback area. (BIO-O-1.7)~~
- ~~**E. Disturbance of on-site habitat.** Where new development eliminates important onsite habitat (e.g., coastal sage scrub, grasslands, riparian habitat and wetlands), County shall require development to restore or enhance like kind habitat either onsite or offsite. If restoration sites are limited or unavailable, County shall require payment of adequate fees into a mitigation bank program acceptable to County to permanently protect a comparable or greater amount of created or restored habitat elsewhere within the Orcutt Planning Area. (BIO-O-1.8)~~
- ~~**F. Riparian setbacks.**~~
- ~~1. Development shall include: a minimum setback of 50 feet from the outside edge of riparian vegetation or the top of creek bank (whichever is further) which may be adjusted upward depending on slopes, biological resources and erosion potential; hooding and directing lights away from the creek; drainage plans shall direct polluting drainage away from the creek or include appropriate filters; and erosion and sedimentation control plans shall be implemented during construction. (BIO-O-2.1)~~
 - ~~2. Setbacks shall be sufficient to allow and maintain natural stream channel processes (e.g., erosion, meanders) and to protect all new structures and development from the processes. Hardbank protection (including riprap, boulders, concrete) shall be prohibited unless necessary to protect an~~

existing structure or facilities of a public works nature, whether existing or proposed (e.g., energy dissipaters, upstream fact of retention basins, high flow diversion structures, bridges, roads, trails, necessary private access, etc.), subject to Public Works and Department review. (BIO-O-2.3)

- G. ~~Native tree protection.~~** ~~To the maximum extent feasible, development shall be designed to avoid damage to established native trees (e.g., oaks) by incorporating setbacks, clustering, or other appropriate methods. Areas protected from grading, paving, and other disturbances shall include the area six feet outside of established native tree driplines, unless this distance would interfere with reasonable development of a property. Where native trees are removed, they shall be replaced in a manner consistent with County standards. (BIO-O-3.1)~~
- H. ~~Non-native tree replacement.~~** ~~Where non native specimen trees are removed for development, the County should consider replacement with native trees. (BIO-O-4.1)~~
- I. ~~Riparian fill and crossings.~~** ~~Road construction shall minimize filling within creeks, stream corridors and wetlands and avoid or minimize removal of riparian vegetation. To the maximum extent feasible, bridges (rather than culverts) shall be required over all major creeks and wildlife corridors. Bridges shall be designed to facilitate wildlife passage by providing at least 6 feet of vertical clearance and locate support structures outside of creekbanks, if feasible. Crossings of tributaries and drainages should use bridges if a bridge would avoid or substantially reduce impacts to sensitive habitat and sediment buildup. Road projects should also preserve the hydrologic connectivity between wetlands, and between wetlands and upland areas. (BIO-O-5.1)~~
- J. ~~Retention basin construction.~~** ~~Excavated fill for retention basin construction shall not be placed within important natural resource areas. Areas adjacent to or within habitats which are disturbed during construction shall be revegetated with appropriate native species. All sensitive habitat areas adjacent to proposed retention basins shall be fenced before grading begins to prevent disturbance and stockpiling in these areas. (BIO-O-5.6)~~

Circulation

- A. ~~Non-vehicular access.~~** ~~Development shall be sited and designed to provide maximum access to non-motor vehicle forms of transportation, including well designed walkways, paths and trails between residential development and adjacent and nearby commercial uses and employment centers, where feasible. (CIRC-O-9)~~
- B. ~~Significant traffic impacts.~~** ~~If it is determined that a project may cause significant traffic impacts which generate the need for offsite traffic improvements that are not identified in the then current Orcutt Transportation Improvement Plan, the County shall condition any approval of the project to ensure that those improvements are funded and completed before issuance of final inspection. (CIRC-O-11)~~
- C. ~~Trails.~~** ~~Development shall comply with the Trail Siting Guidelines as set forth in the Orcutt Multiple Use Trails Plan. (PRT-O-4.2)~~
- 1. ~~Trail Siting.~~**
- a.** ~~Trails should cross primary, and where appropriate secondary, roadways at controlled intersections. Trails located within an urban area may be included within the sidewalk system where appropriate. Trails in natural undeveloped open space areas, except Class I bikeways and emergency access routes, shall be limited to 6 feet in width. (PRT-O-4.4)~~
- b.** ~~Trails should follow existing dirt road and trail alignments and utilize existing bridges where feasible. Where this is not possible, prior to final trail alignment proposed trail routes should be surveyed and rerouted where necessary to avoid sensitive species, subject to final approval by the Department and the Park Department. All trails shall be sited and designed to avoid or minimize impacts to sensitive resources, areas of steep slopes and/or highly~~

~~erosive/sandy soils, where feasible. Developers shall fund sign installation along certain trails (as identified in the Multi Use Trail Guidelines) providing educational and interpretive information and advising dog owners to keep their dogs out of sensitive habitats. (BIO O-5.4)~~

- ~~2. **Trail Construction.** Multi-use trail construction should avoid removal of riparian vegetation to the maximum extent feasible. The Orcutt Creek multi-use trail shall be set back a minimum of 50 feet from the outside edge of riparian vegetation or the top of bank (whichever is further), unless this would make the multi-use trail link infeasible. Trail construction shall include riparian restoration between the edge of existing native vegetation and the bicycle path. Trail lighting should be directed away from the creek. (BIO O-5.3)~~
- ~~3. **Trail maintenance.** Development on sites with identified trail corridors (PRT-6 map) shall include, where appropriate, the construction and assurance of the fitness of designated trails for two years, at which time the County Park Department would assume maintenance responsibility. Where immediate construction is not required, a construction bond shall be required. (PRT O-4.3)~~

Construction-Related Impacts

- ~~A. Future growth and development shall occur in a manner which minimizes construction-related impacts on the community. (Policy LUR O-2)~~
- ~~B. Where feasible, historic structures should be incorporated within development proposals. (HA O-2.1)~~
- ~~C. If significant impacts to historic resources in the rural areas of Orcutt cannot be feasibly mitigated onsite, the County should consider the appropriateness of offsite mitigation consisting of improvements to the character and integrity of structures in Old Town. (HA O-2.2)~~

Cultural Resources Preservation

~~Development on Key Sites that have not been surveyed by a County-qualified archaeologist should be surveyed and mitigated in accordance with State and County archaeological and historic guidelines. (HA O-1.1)~~

Fire Prevention

- ~~A. **Fire prevention measures.** Development within or adjacent to high fire hazard areas should include the use of fire prevention measures including perimeter roads, trails, Class A or B roofs, adequate access to the urban/rural interface and inclusion of structural setbacks per Section 35.300.040.D (Fire protection activities). Fencing within the structural setback shall be comprised of fire-resistant material to minimize fire hazards. (FIRE 2.1)~~
- ~~B. **Emergency access.** The County shall require two routes of ingress and egress for development unless waived by the Fire Department. Emergency access and egress roads are not required to be paved or meet width standards for normal roadways. (FIRE 2.2)~~
- ~~C. **Emergency water storage.** Orcutt foothill development shall be protected by water storage tanks connected to an existing water purveyor or private water supplies. (FIRE 2.3)~~
- ~~D. **Fuelbreak standards.**~~
 - ~~1. Fuelbreaks should incorporate perimeter roads and yards to the greatest extent feasible (see Section 35.300.040.D (Fire protection activities) for additional firebreak standards). (FIRE 3.1)~~
 - ~~2. To the maximum extent feasible, fuel breaks shall not be constructed through riparian or wetland areas or result in the removal of healthy specimen oaks. Within fuelbreaks, treatment of oak trees shall be limited to limbing the branches up to a height of six feet, removing dead wood, and~~

~~mowing the understory. Where specimen oaks have multiple trunks, all trunks shall remain. (FIRE 3.2)~~

Flood Hazard Mitigation

- ~~**A. Development within creek channels.** No structures or other development (except for bridges, culverts and flood control requirements) shall be allowed within creek channels. (FLD O 1.2)~~
- ~~**B. Development within flood plain.** No development shall be permitted within the floodplain of Oreutt, Pine Canyon or Graciosa Creeks unless the development would either be necessary to:~~
- ~~1. Permit reasonable development of the site and would not lead to disturbance or removal of significant riparian/wetland vegetation; or~~
 - ~~2. Accomplish a major public policy goal of the Oreutt Community Plan. (FLD O 1.3)~~
- ~~**C. Residential foundations in flood plains.** Residential units requiring raised finish floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material, where practical. (FLD O 1.4)~~
- ~~**D. Impervious surface in flood plains.** Pervious construction materials, including turf block, non grouted brick, and gravel, shall be used where feasible. (FLD O 2.1)~~
- ~~**E. Development project runoff.** Development projects shall incorporate sedimentation traps to minimize the erosion of soils into natural and manmade flood control drainages, where feasible. All development adjacent to stream channels shall be required to install check dams as deemed appropriate by Flood Control and the Department to minimize channel down cutting and erosion. To the maximum extent feasible, all these structures shall be designed to avoid impacts to creek vegetation. (FLD O 3.1)~~
- ~~**F. Development project runoff.** Silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other methods to prevent erosion on slopes and siltation of the stream channel. (FLD O 3.2)~~
- ~~**G. Drainage outlets.** Drainage outlets into natural creek channels shall be constructed in a manner which causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and designed to minimize damage to creek vegetation. (FLD O 3.3)~~
- ~~**H. Regional retention facilities.**~~
- ~~1. Developers shall purchase capacity in and connect to the planned regional retention basins, if feasible. If participation in the Mello Roos district for the regional retention basin system is determined by Flood Control to be infeasible, the developer may construct on site retention facilities with sufficient capacity to reduce offsite runoff in accordance with Flood Control District standards. All private basins shall be attractively landscaped and where appropriate, shall be designed to accommodate recreational facilities. Prior to development of private basins, all applicants for discretionary projects shall agree to maintain the basins and demonstrate that a Homeowners Association will be established which will generate adequate revenues to provide long term maintenance of the basins including all landscaping and recreational facilities. (FLD O 4.2)~~
 - ~~2. Regional retention basins shall be reviewed by Environmental Health Services for inclusion of mosquito management plans, and shall be designed to minimize the use of fencing through the use of 6:1 slopes and depths of ponded water not more than two feet or other means to protect public safety, where feasible. Where fencing must be used it shall be unobtrusive and landscaped. (FLD O 4.3)~~

3. ~~Where a regional retention basin is identified on a site, easements for the full original footprint must be reserved even if the project on that site is smaller than originally anticipated. A smaller basin may be constructed (to meet current demand), but easements must be available to enlarge the basin as necessary to meet ultimate buildout demand. (FLD O 4.4)~~

Grading Standards and Geologic Hazard Mitigation

- A. ~~Grading Permit requirements.~~** ~~No grading in excess of 50 cubic yards (combined cut and fill) shall be permitted within areas designated open space in the Orcutt Community Plan without an approved Grading Permit. This requirement applies to all grading activity (including activities otherwise exempted under County Grading Ordinance 3937, Sections 14.6 and 14.8). (GEO O 3)~~
- B. ~~Limitations on grading.~~** ~~Consistent with Hillside and Watershed Policy 1, excessive grading for creation or enhancement of views shall not be permitted. Where new roads and driveways would require substantial grading, development shall be sited close to existing access roads. (GEO O 2.1)~~
- C. ~~Development on steep slopes.~~** ~~Development shall be prohibited on slopes greater than 30 percent unless this would prevent reasonable development of a property. In areas of unstable soils, highly erosive soils or on slopes between 20 percent and 30 percent development shall not be allowed, unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion or this would prevent reasonable development of a property. (GEO O 2.2)~~
- D. ~~Preservation of topographic features and vegetation.~~** ~~To aid in erosion control, existing hillside topography, large stands of trees, and natural flood channels shall be preserved, unless this would prevent reasonable development of a property. (GEO O 2.3)~~
- E. ~~Seismic safety.~~**
1. ~~New construction shall be set back a minimum of 50 feet from all known active or potentially active faults which have been mapped. (GEO O 1.1)~~
 2. ~~The County shall determine the need for a fault study conducted by a Registered Geologist or Certified Engineering Geologist in order to determine the presence and location of any active or potentially active faults. (GEO O 1.2)~~
- F. ~~Erosion prevention.~~**
1. ~~All surface water runoff shall be culverted and diverted to avoid erosion of exposed slopes and shall be directed to the nearest natural drainage channel. Where these measures are feasible and would not substantially increase erosion, vegetated earthen channels should be substituted for culverts. Cribwalls or other methods should only be used where necessary to retain slopes. (GEO O 2.4)~~
 2. ~~In foothill areas, cut and fill slopes shall be planted with slope stabilizing plants. Only native species shall be planted within designated natural open space corridors, and shall be irrigated until the plants are established. (GEO O 2.5)~~
- G. ~~Landscape plan review.~~** ~~All landscape plans shall be reviewed by the Department to ensure revegetation of graded areas in areas of sandy soils. Landscape securities shall be required unless expressly waived by the Department. (GEO O 2.6)~~
- H. ~~Site drainage.~~** ~~The County shall consider allowing lots to be drained to the rear only where it can be demonstrated that rear draining will reduce overall grading associated with a project and will provide an equal level of flood-control protection as standard front draining design. (GEO O 2.7)~~

Hazardous Materials and Activities

A. ~~Parcels listed in the following table shall be inspected by County Petroleum Office personnel to determine the existence of hazardous substances on the property or immediately abutting properties prior to County acceptance of an application for development. (RISK O 1.1)~~

Key Site	Oil facility
3	Plugged and abandoned dry hole on southern boundary
7	Dry hole on southern boundary
12	Three historic oil tank sites, 3 sumps, 4 wells, and a dry hole
13	Potential historic oil pipeline corridor
14	Remnant oil dam
15	Two abandoned historic oil tanks on southern boundary
16	Unocal oil storage facility consisting of three large oil sumps and an oil tank
17	Potential historic oil pipeline corridor
20	Historic Unocal oil storage facility consisting of two tanks
22	Plugged and abandoned oil well along its northeastern boundary
23	Unocal fuel gas line crosses through the central portion of the site
25	Presently abandoned Unocal gas gathering line (H2S) crosses the eastern boundary
30	Abandoned well site in center of parcel
33	One dry hole and one abandoned well site
35	Oil pipelines located across site, two sumps and an oil tank on northern boundary
D	Old oil flows from Old Maud may have pooled onsite
F	One plugged and abandoned dry hole near center of southern boundary

B. ~~In the event that past oil activity or potential hazardous substances are uncovered during grading or construction related activity, the activity should be suspended immediately until a Phase II Environmental Site Assessment and appropriate remedial action has been completed. (RISK O 1.2)~~

C. ~~Development should be sited and designed to include remedial and/or avoidance measures which may include actions including setbacks and/or excavation as determined appropriate by a Phase II study. Any remediation plan shall include requirements that soil undergoing remediation must be tarped and not placed within the viewshed of the public or adjacent residents, where feasible. (RISK O 1.3)~~

D. ~~New habitable development shall be setback a minimum 25 feet from known oil and gas related pipeline rights of way unless a project specific risk assessment indicates closer development is appropriate. (RISK O 1.4)~~

E. ~~Habitable structures should be located outside the flight approach zone for SMPA runway 2-20 (see Figure 41). (RISK O 2.2)~~

F. ~~Habitable structures shall not be located within the County's "No Build" corridor. (RISK O 2.2)~~

G. ~~The County should require development involving the transportation of hazardous materials to prepare a Comparative Route Assessment, determining the route with the least risk and designate that route as the preferred transportation corridor. (Risk O 3.2)~~

Noise Standards

A. ~~**Location of noise sensitive uses.** Noise sensitive land uses should be located outside of the 65 dB(A) CNEL contours, unless this would prevent reasonable development of a property. (NSE O 1.1)~~

B. ~~**Noise sensitive use design and construction.** Noise sensitive uses proposed in areas exceeding 65 dB(A) CNEL shall be designed so that exterior living spaces do not exceed 65 dB(A) CNEL and interior noise levels attributable to exterior sources do not exceed 45 dB(A) CNEL when doors and windows are closed. Noise insulation construction techniques may include installation of air conditioning for all units and double paned windows and wall insulation for all window and wall locations with lines of sight to the~~

noise source. ~~Building design and construction specifications shall meet the interior noise standard set forth in California Administrative Code, Title 25, as demonstrated through an acoustical analysis prior to project approval. (NSE O 1.2)~~

- ~~C. **Exterior living space noise reduction methods.** Project design shall use a combination of vegetated berms, unit orientation or other methods to reduce noise affecting interior and exterior living spaces. The developer should retain a County approved noise consultant to conduct a study determining the design and effectiveness of proposed noise reduction measures. Soundwalls shall only be used if alternative noise reduction measures are ineffective. If found necessary, soundwalls shall be decorative masonry or wood walls planted with fast growing vines and shrubs. (NSE O 1.3)~~
- ~~D. **Noise reduction through transportation facility design.** All P 2 classified roadways and other major transportation facilities including light rail corridors shall be designed with the use of attenuation features including setbacks, depressed roadways, solid masonry walls, earthen berms and extensive landscaping to minimize noise levels on adjacent existing or planned noise sensitive uses to the maximum extent feasible. (NSE O 1.4)~~
- ~~E. **Notice to purchasers of residential units.** All residential development proposed for the area within the 60 dB or greater CNEL airport noise contour shall provide a Truth in Sales notice for future units indicating that the site is affected by low aircraft overflights and nuisance noise impacts. These sites include 5 9, 12, 18 23, 25 30, 32, 34, N, E, F and G. (NSE O 1.5)~~
- ~~F. **Commercial and industrial project noise mitigation.** Commercial and industrial project design shall minimize long term operational noise exposure to residences in close proximity to the site through limited, posted delivery hours (between 6 am to 8 pm) and soundwalls along site boundaries where appropriate, or through other measures which provide equivalent noise reduction. Additional noise reduction measures such as loading only on sides of buildings not adjacent to residences or below grade delivery bays shall be considered. All noise generating equipment (including delivery trucks) shall be enclosed and/or shielded to the maximum extent feasible to reduce noise levels. (LUC O 5.2)~~
- ~~G. **Construction noise mitigation.**~~
- ~~1. Standard construction working hours (i.e., 7 a.m. to 4:00 p.m., Monday Friday) shall be required for development activities. Flexibility to allow extended hours on weekdays and/or occasional working hours on Saturdays should be determined on a case by case basis. (NSE O 2.1)~~
 - ~~2. Noise attenuation barriers, muffling of grading equipment and additional mitigation where deemed appropriate should be required for development where construction equipment generates noise levels in excess of 95 dB(A). (NSE O 2.2)~~

Open Space Area Standards

- ~~A. **Private open space within open space corridors.** Private open space within open space corridors shall be sited, designed, and managed to protect the natural resources and/or recreation potential of these corridors, consistent with the Open Space, Park, Recreation & Trails, and Biological Resource policies of this Plan. (Policy OS O 3)~~
- ~~B. **Development adjacent to open space areas.** Development adjacent to open space areas, or within designated open space areas, shall be sited and designed to protect and enhance the natural resources of these areas, and accommodate appropriate recreation opportunities as identified in the Parks, Recreation & Trails Section of this Plan. (OS O 4).~~
- ~~C. **Modifications to open space boundaries.** Designated open space boundaries may be subject to minor adjustments inward or outward from the designated open space area on a case by case basis in order to allow for substantial improvements in project design, enhance fire safety buffers and fuel management zones, to protect visual qualities from and of adjacent open space areas, or to include biological, historic~~

or archaeological sites. The Orcutt Community Plan, EIR, and other available data (e.g., maps, studies, site observations) shall be used in determining the location, width, and extent of the open space boundary adjustment. The review authority shall make a determination that the minor boundary adjustments would be consistent with the overall goals of the Open Space Plan and Biological/History/Archaeology policies, and would avoid disruption of significant natural resource and recreation opportunities located within designated open space areas. (OS O 4.2)

- D. Limitations on development in open space.** No structures shall be located within a designated open space area with the exception of related structures necessary for the provision of active and passive recreation opportunities that would not adversely affect open space areas, and flood control projects where no other method for protecting existing structures in the floodplain is feasible and where the protection is necessary for public safety (including retention basins). Culverts, crossings, roads, pipelines, fences, and bridges may be permitted when no alternative route or location is feasible, or where other constraints or site design considerations (e.g., public safety) would require the structures. (OS O 4.3)
- E. New development adjacent to trails, parks, or other open space.** Development adjacent to public trails, parks or other usable public open space areas shall include a combination of setbacks and landscaping within and/or outside of developable areas to avoid to the extent feasible or, if avoidance is not feasible, minimize the impacts of new development on users of the open space. (OS O 4.4)
- F. Landscaping abutting open space areas.** Landscaping for development on the edge of designated natural undeveloped open space areas shall include native trees and shrubs, with habitat restoration efforts focused on buffers. Planting of highly invasive weedy plants (e.g., ice plant, pampas grass, veldt grass, Monterey Pine, eucalyptus, spiny clotbur, and Australian fireweed) shall be prohibited within 500 feet of natural undeveloped open space areas as designated on the Open Space map (Figure 20). (BIO O 1.3)
- G. Treatment of open space edges.** The edges of designated undeveloped natural open space areas shall be clearly delineated and fenced where necessary to protect resources both during construction and, when appropriate, over the life of the project. Long term fencing shall be designed to accommodate wildlife passage where appropriate. (BIO O 1.5)
- H. Roadway design in open space.** In designated open space areas, roadway segments (e.g., Union Valley Parkway and E Street) shall be designed in consultation with the Department, the Park Department, and appropriate federal and state agencies to allow wildlife passage through provision of appropriately placed bridges and/or culverts, and shall prohibit all night lighting in designated open space corridors except as necessary for public safety (e.g., intersections, trailheads or crossings). Light "spill over" should be minimized by directing lighting away from the open space area, the use of hoods, and landscape screening (with native species) along the road. (BIO O 5.2)
- I. Finding required for development adjacent to open space.** Prior to project approval for any development within or adjacent to an open space area, a determination must be made that the proposed development is consistent with all applicable open space policies of the Orcutt Community Plan, the OCP Open Space Map, as well as the regulations of the primary zone. (OS O 4.1, PRT O 3.1)

Park and Recreation Facilities

- A. Park site dedication and construction.** To the maximum extent feasible and consistent with applicable law, development on sites with identified proposed public parks shall dedicate and, where appropriate, construct the facilities. (PRT O 1.1)
- B. Park development.** Development of parks shall be consistent with the community's existing semi-rural character and landscaping. (Policy PRT O 2)
- C. Park landscaping.** Except for active recreation areas and other essential lawn space, park landscaping

~~should consist of drought tolerant species. Appropriate native plants shall be utilized along park boundaries adjacent to passive undeveloped open space areas. (PRT O 2.1)~~

~~**D. Development of retention basins as parks.** Within regional retention basins, recreational areas must have side slopes no steeper than 6:1 along access frontage side (one side only) and 5:1 on all others. Basins totaling 10-15 acres may be no more than 15 feet deep. The minimum slope of the recreation area within a basin should be 0.5 percent to prevent ponding and allow runoff. Fencing of retention basins shall be minimized to the greatest extent feasible. (PRT O 3.1)~~

~~1. Regional retention basins shall serve a dual flood control/recreational use where feasible and appropriate given flood control constraints and appropriate levels of natural resource protection. (Policy PRT O 3)~~

Public Facilities Financing

A. Libraries.

~~1. The County shall require a library mitigation fee on development to fund the cost of acquisition by purchase or lease, construction, and furnishing of a new library facility. The fee shall be determined upon completion of an infrastructure financing program. All development approved after adoption of the OCP shall be subject to this fee, which shall be paid prior to issuance of Building Permits or as determined by the infrastructure financing program. (DevStd LIB O 1.2)~~

~~2. If Mello Roos Community Facilities Districts are formed in the Orcutt Planning Area to fund the operation and maintenance of a library, prior to discretionary project approval of a project that will impact libraries, all applicants in the planning area must agree to either participate in the District's funding mechanisms for library services or otherwise demonstrate that the project is fully mitigating the increase in demand for library services caused by the project. (LIB O 1.4)~~

~~**B. Parks, recreation, and open space facilities.** If a Mello Roos District is formed in the Orcutt Planning Area to fund operations and maintenance of parks, recreation, open space and trails, prior to discretionary project approval of a project that will impact open space, all applicants in the Planning Area must agree to either participate in the Mello Roos District, or provide other mitigation of the project's impact on these services and demonstrate that a Home Owners Association will be formed which will generate adequate revenues to provide long term operations and maintenance of any private services. (OS O 7.3)~~

~~**C. Roads.** If an Assessment District is formed in the Orcutt Planning Area to fund and maintain internal subdivision roads, prior to discretionary project approval of projects which impact transportation systems all applicants in the Planning Area must agree to either develop and maintain internal subdivision roads through the Assessment District, or agree to maintain these roads privately and demonstrate that a Homeowners Association will be established which will generate adequate revenues to provide long term maintenance of the roads. (CIRC O 10.2)~~

~~**D. Schools.** If a Mello Roos Community Facilities District is formed in the Orcutt Planning Area, all applicants for new discretionary development which impact schools in the Planning Area must agree to participate in the Mello Roos District's mechanisms for funding school facilities or demonstrate an alternative method of consistency with Policy SCH O 1 as set forth below, before any discretionary approval is granted.~~

~~As an alternative to participation in any Mello Roos District formed in the Orcutt Planning Area, applicants may demonstrate compliance with Policy SCH O 1 by presenting evidence of an alternative method for mitigating the proposed project's impact to school facilities, including but not limited to:~~

~~1. A mitigation agreement between the applicant and the school district;~~

~~2. A proposal phasing the project in a manner which allows the school districts to adequately~~

~~accommodate the project as it is built out;~~

- ~~3. A proposal demonstrating reducing the density from the density designated in the Orcutt Community Plan; and/or~~
- ~~4. Evidence demonstrating that the project will not create need for additional school facilities (e.g., the proposed project is a senior housing project). (SCH-O-1.2)~~

Recycling Facilities

- ~~A. **Recycling pickup areas.** All multi family residential areas and commercial/industrial projects shall establish a recyclable material pickup area (i.e., recycling bins, loading dock) where collection of currently accepted recyclable materials could be accommodated. (RR-O-1.3)~~
- ~~B. **Recycling at construction sites.** Developers shall provide recycling bins at all construction sites, where collection of currently accepted recyclable construction materials could be accommodated. (RR-O-1.4)~~
- ~~C. **Curbside recycling pick-up service.** To the greatest degree feasible, in new development of 20 units or greater, the developer shall work with the local recycling service to ensure that curbside recycling pick-up service is provided. (RR-O-1.7)~~

Site Specific Standards

~~The Orcutt Community Plan provides standards for certain specific "Key Sites" within the Community Plan Area.~~

Key Site 1

- ~~**Policy KS1-1:** Key Site 1 (APN 129 120 24) is designated General Commercial and zoned C 2. Any proposed development on Key Site 1 shall comply with the following development standards.~~
- ~~**DevStd KS1-1:** If development is phased, all infrastructure, including but not limited to roads, bike paths, sewer, water and utility lines, retention basins, roadway medians, the traffic signal at Clark/Stillwell, and gateway improvements, shall be installed during Phase I project construction.~~
- ~~**DevStd KS1-2:** To the maximum extent feasible, stormwater from this site shall be captured onsite in a surface retention basin sized adequately to also serve Site 2. If the County determines that locating a surface retention basin onsite is impractical, other options may be considered, including an offsite basin, underground facilities, or drainage to Orcutt Creek.~~
- ~~**DevStd KS1-3:** The developer shall dedicate easements to the County and construct a Class I bike path/public trail through Site 1. The multi use trail shall be integrated with the internal circulation plan and landscape plan and shall connect with the primary access point at Clark Avenue.~~
- ~~**DevStd KS1-4:** Primary access to the site from Clark Avenue shall be from one signalized intersection located at the "preferred access point" shown on Figure KS1-1. In addition to this signalized intersection, secondary right turn in/right turn out access points may be constructed upon approval by the Public Works Department and the Planning and Development Department. The developer shall construct a raised center median and planter on Clark Avenue for the entire length of the site boundary to control turning movement on and off the site through left turn access lanes. The County shall establish a reimbursement agreement to allow the costs of such improvements to be shared on a pro rata basis with Sites 2 & 3.~~
- ~~**DevStd KS1-5:** The applicant shall fund and implement traffic signal improvements required by the Public Works Transportation Division at the Clark Avenue/Highway 101 interchange. The Public Works Department determination shall be based upon a detailed traffic warrant analysis, funded by the applicant and managed by the Public Works Department.~~

- ~~— **DevStd KS1-6:** Delivery trucks shall be prohibited from exiting the site through the residential areas to the north.~~
- ~~— **DevStd KS1-7:** The site shall be designed to promote internal pedestrian circulation among all the buildings on the site.~~
- ~~— **DevStd KS1-8:** The developer and County shall coordinate with Santa Maria Area Transit to determine the best way to provide public transit service to the center. The project shall provide frontage and construct a bus pull out on Clark Avenue and shall also construct a bus stop shelter on Clark Avenue if required by the County.~~
- ~~— **DevStd KS1-9:** To reduce the effect of project related traffic in the adjacent residential area, the developer shall fund the construction of off site traffic calming features, such as speed humps, roundabouts, diagonal diverters, and curb extensions.~~
- ~~— **DevStd KS1-10:** Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs and vines):

 - ~~— A minimum 50 foot wide landscaped buffer along Highway 101 with trees which would exceed 50 feet in height at maturity planted in clusters a maximum of every 100 feet (part of this buffer may be developed in an easement secured from the California Department of Transportation, with a minimum of 20 feet of this buffer located on the project site);~~
 - ~~— An average 35 foot wide landscaped buffer along Clark Avenue with trees which reach a minimum height of 35 to 50 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue;~~
 - ~~— A minimum 15 foot wide landscape planter strip along the entire western project boundary to soften the views of new buildings and to partially obscure building masses;~~
 - ~~— Raised landscape berms and/or decorative masonry walls incorporated into the buffer strips to supplement the screening provided by vegetation;~~
 - ~~— Fast growing vines and shrubs planted along all screening walls; and~~
 - ~~— Inviting landscaped pedestrian entries from adjacent roadways with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the center's own internal pedestrian circulation.~~~~
- ~~— **DevStd KS1-11:** In order to mitigate the change in visual character at the "gateway" to the community, the entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district (Figure KS1-2). Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall provide financial security to ensure maintenance of the new landscaping for a period of three years or until such a time as the County determines they are "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first. Through the Infrastructure Financing Program, the County shall establish a reimbursement mechanism to allow median landscaping and maintenance costs to be shared on a pro-rata basis with the developer of Site 2.~~
- ~~— **DevStd KS1-12:** Development on the site shall be consistent with the "gateway policies" in the Visual Resources Section IV.H.~~
- ~~— **DevStd KS1-13:** An on-site manager shall be provided, available by telephone, and the manager's phone number shall be conspicuously posted.~~

~~DevStd KS1-14: To the extent feasible, site plans for Sites 1 and 2 shall be coordinated in order to provide the most appealing gateway commercial development. Such coordination shall include design, scale, architectural style, and color of development.~~

KEY SITE 2

~~Policy KS2-1: Key Site 2 (APN 129-280-001, 003 and 004) is designated General Commercial and zoned C-2. Any proposed development on Key Site 2 shall comply with the following development standards.~~

~~DevStd KS2-1: Parcels within Site 2 should be developed under an integrated development plan, if feasible. Development on all parcels within Site 2 and the undeveloped portion of Site 4 shall incorporate compatible design and architecture. Development on Site 2 shall also be reviewed for design compatibility with Site 1.~~

~~DevStd KS2-2: If development is phased, all infrastructure, including but not limited to roads, bike paths, sewer, water, and utility lines, retention basins, roadway median, and gateway improvements, shall be installed during the first phase of project construction.~~

~~DevStd KS2-3: If possible, stormwater from this site shall be conveyed to a regional retention/retardation basin located on Site 1, with an appropriate reimbursement agreement between the sites. Other options which may be considered include an onsite basin, underground facilities, or drainage to Orcutt Creek.~~

~~DevStd KS2-4: Primary access to the site from Clark Avenue shall be from one signalized intersection located at the "preferred access point" shown on Figure KS2-1. Access to the mobilehome park and Site 3 shall be revised to meet this new primary access point. In addition to the signalized intersection, secondary right turn in/right turn out access points may be constructed upon approval by the Public Works Department and the Planning and Development Department. The developer shall construct a raised center median and planter on Clark Avenue extending the entire length of the site. A vegetated setback (minimum 15 feet) between the road and the mobilehome park's northern and eastern parcel boundaries and the Site 3 access shall be provided.~~

~~DevStd KS2-5: The Planning and Development Department shall work with the Public Works Department and the California Department of Transportation to explore the use of excess right-of-way for a "park and ride" lot. If this is infeasible, the excess right-of-way should be relinquished once Clark Avenue has been widened and reconfigured per the Public Works Department's requirements.~~

~~DevStd KS2-6: As a part of any development project, the existing easement for Site 3 and the mobilehome park shall be renegotiated and realigned as shown on Figure KS2-1, or an alternative alignment route acceptable to the County, to connect with the intersection located at the "preferred access point."~~

~~DevStd KS2-7: In order to provide access for pedestrians and cyclists to the commercial center, the developer shall dedicate a trail easement to the County and construct a multi-use public trail as shown in Figure KS2-1.~~

~~DevStd KS2-8: The developer and County shall coordinate with Santa Maria Area Transit to determine the best way to provide public transit service to the center. The project shall provide frontage and construct a bus pull out on Clark Avenue and shall also construct a bus stop shelter on Clark Avenue if required by the County.~~

~~DevStd KS2-9: Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs, and vines):~~

~~— A minimum 50 foot wide landscaped buffer along Highway 101 with trees which would exceed 50~~

~~feet in height at maturity planted in clusters a maximum of every 100 feet (part of this buffer may be developed in an easement secured from California Department of Transportation, with a minimum of 20 feet of this buffer located on the project site);~~

- ~~— An average 35 foot wide landscaped buffer along Clark Avenue with trees which reach a minimum height of 35 to 50 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue;~~
- ~~— A minimum 15 foot wide landscape planter strip along the entire southwestern project boundary to soften the views of new buildings and to partially obscure building masses;~~
- ~~— Raised landscaped berms and/or decorative masonry walls incorporated into these buffer strips to supplement the screening provided by vegetation;~~
- ~~— Fast growing vines and shrubs planted along all screening walls;~~
- ~~— Inviting landscaped pedestrian entries from adjacent roadways which include attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the center's own internal pedestrian circulation; and~~
- ~~— Incorporation of the pedestrian access serving residential areas to the south into the project design.~~

~~**DevStd KS2-10:** In order to mitigate the change in visual character at the "gateway" to the community, the developer shall landscape the entire length of the center median of Clark Ave with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district (Figure KS2-2). Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall provide a financial security to ensure maintenance of the new landscaping for a period of three years or until such a time as the County determines they are "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first. Through the Infrastructure Financing Program, the County shall establish a reimbursement agreement to allow median landscaping and maintenance costs to be shared on a pro rata basis with the developers of Sites 1 and 4.~~

~~**DevStd KS2-11:** An on site manager shall be provided, available by telephone, and the manager's phone number shall be conspicuously posted.~~

~~**DevStd KS2-12:** To the extent feasible, site plans for Sites 1 and 2 shall be coordinated in order to provide the most appealing gateway commercial development. Such coordination shall include design, scale, architectural style, and color of development.~~

~~**DevStd KS2-13:** Development on this site shall be consistent with the "gateway policies" in the Visual Resources Section IV.H.~~

~~**KEY SITE 3**~~

~~**Policy KS3-1:** Key Site 3 (APN 129 151 26) is designated Residential Ranchette and zoned RR-10. Any proposed development on Key Site 3 shall comply with the following development standards.~~

~~**Policy KS3-2:** The County shall consider redesignating/rezoning Key Site 3 to PD/PRD-125 units only if:~~

- ~~A. The areas identified as "Open Space" on Figure KS3-1 have been dedicated to the County or other County approved group or agency, and~~
- ~~B. The property owner has demonstrated compliance with Action SCH-O-1.3.~~

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- ~~**DevStd KS3-1:** Development of the site shall be limited to the northern mesa as designated on Figure KS3-1 (north of the "neck" created by the northeast corner of the lots on Chancellor Street).~~
- ~~**DevStd KS3-2:** In order to provide compatibility with existing adjacent development, density shall transition from "lower" at the southern and western perimeters of the mesa to "higher" for the internal development. The area extending from the top of the bluff to the southern site boundary, and a 75-foot strip along the entire eastern site boundary shall remain in natural, undeveloped open space. No development except bike paths, hiking trails, rural landscaping, the proposed rest area and other passive recreational areas (e.g., seating areas) shall be permitted within this area.~~
- ~~**DevStd KS3-3:** If it is determined that a weir or retention basin is needed onsite to control runoff, such a facility shall be sited within the proposed open space area (shown on Figure KS3-1) in coordination with Flood Control district and the Planning and Development Department, and designed to minimize impacts to riparian and/or oak woodlands.~~
- ~~**DevStd KS3-4:** Drought tolerant landscape screening such as oaks and other trees and shrubs shall be planted on the southwest facing slope leading down to Chancellor Street and on the southern slope between development and the proposed open space area.~~
- ~~**DevStd KS3-5:** The bike path, hiking trails, rest area, and secondary access roads shall be located to minimize loss of significant vegetation.~~
- ~~**DevStd KS3-6:** No development other than a secondary access road from Oakbrook Lane shall occur within 100 feet of the dripline of the vegetation in the southwest corner of the northern mesa, or within a 25-foot buffer from the top of bluff of the canyon in the northeast corner of the site.~~
- ~~**DevStd KS3-7:** Primary access to the site shall be from the frontage road along Highway 101. The existing easement over Site 2 shall be renegotiated to accommodate development of Site 2 and to align with the "preferred access point" intersection. The developer shall coordinate with the Planning and Development Department, the Public Works Department, and the Fire Department to ensure appropriate secondary access from Oakbrook Lane.~~
- ~~**DevStd KS3-8:** The developer shall construct access road improvements along the eastern boundary of Sunny Hills Mobile Home Park in coordination with development on Site 2. Improvements shall include standard County Roadway frontage improvements, landscape screening from Highway 101, and a separated, public off road trail. Through the Infrastructure Financing Program, the County shall establish a reimbursement mechanism to allow road improvement costs to be shared on a pro-rata basis with the developer of Site 2. In addition, once the access road to Site 3 enters the developable area, it should be located away from US Hwy 101.~~
- ~~**DevStd KS3-9:** Development setbacks shall be applied to identified archeological resources (see EIR, Vol. III). The areas within the identified setbacks shall be incorporated into the project design and designated on construction drawings as "Undevelopable Open Space." These areas shall be seeded with shallow-rooted vegetation.~~
- ~~**DevStd KS3-10:** The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Orcutt Creek which can also be used as a Class I bike path as well as hiking trails through Key Site 3, with appropriate links to new onsite development.~~
- ~~**DevStd KS3-11:** Homes located on the northern, western and southern mesa boundaries adjacent to existing residential development shall be limited to one-story in height to reduce visual impacts on these existing residences. In addition, on the northern site boundary, the developer shall install a 25-foot wide rural landscape buffer.~~
- ~~**DevStd KS3-12:** Development on the site shall be consistent with the "gateway policies" in the Visual Resources section (IV.H).~~
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~~KEY SITE 4~~

~~Policy KS4-1:~~ Key Site 4 shall be designated General Commercial and zoned C-2 on the portion east of Stillwell Road.

~~DevStd KS4-1:~~ The development on Site 4 east of Stillwell Road shall incorporate design and architecture compatible with the development on Site 2.

~~DevStd KS4-2:~~ Full access shall not be permitted from Clark Avenue. Full access to the site should be coordinated with the primary access for Sites 1 and 2 and from Stillwell Avenue. Secondary right turn in/right turn out access point(s) on Clark Avenue may be permitted upon approval by the Public Works Department and the Planning and Development Department. If such "right turn only" access from Clark Avenue is developed, the developer shall construct a raised center median and planter on Clark Avenue extending the entire length of the site.

~~DevStd KS4-3:~~ In order to mitigate the change in visual character at the "gateway" to the community, the developer shall fund landscaping of the entire length of the center median of Clark Avenue fronting the site with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district (see Figure KS1-2). Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall provide financial security to ensure maintenance of the new landscaping for a period of three years or until such a time as the County determines they are "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first. Through the Infrastructure Financing Program, the County shall establish a reimbursement mechanism to allow median landscaping and maintenance costs to be shared on a pro-rata basis with the developers of Sites 1 and 2.

~~DevStd KS4-4:~~ The Planning and Development Department shall work with the Public Works Department to explore the relinquishment of any excess Clark Avenue right of way once Clark Avenue has been widened and reconfigured per the Public Works Department's requirements.

~~DevStd KS4-5:~~ Stormwater from this site should be conveyed to an adequate regional retention/retardation basin, with an appropriate reimbursement agreement between the sites. Other options which may be considered include an onsite basin, underground facilities or drainage to Oreutt Creek.

~~DevStd KS4-6:~~ Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs, and vines):

~~— A minimum 35-foot wide landscaped buffer along Clark Avenue with trees which would exceed 35-50 feet in height at maturity with a sufficiently large canopy to partially extend over Clark Avenue;~~

~~— Fast growing vines and shrubs planted along all screening walls; and~~

~~— Incorporation of pedestrian access features serving nearby residential areas in project design.~~

~~DevStd KS4-7:~~ Existing eucalyptus trees should be incorporated in the project design. Where removal is necessary, drought tolerant replacement trees shall be incorporated in project landscaping.

KEY SITE 5

~~Policy KS5-1:~~ Key Site 5 (APN 103-200-068 and 069) is designated PD-2.7 and zoned PRD. Any proposed development on Key Site 5 shall comply with the following development standards.

~~— DevStd KS5-1:~~ The southern area shown on Figure KS5-1 shall remain in natural, undeveloped open space, with the northern boundary delineated by the planting of native trees (e.g., oaks and

~~cottonwood) and other appropriate screening. Development within this area is limited to the bikepath/hiking trail, a 1.2-acre park, a footbridge and the extension of Stillwell Road, with no development within 50 feet of the top of the creek bank. This 50-foot setback shall include plantings of native trees and shrubs, and if deemed appropriate, delineation by decorative fencing (eg: split rail). Up to two residential units may be constructed in the southeastern one-acre, and no development shall encroach within 50 feet of the top of the creek bank.~~

- ~~— **DevStd KS5-2:** The developer shall dedicate and construct a 1.2-acre public park within the open space area north of Oreutt Creek as shown in Figure KS5-1.~~
- ~~— **DevStd KS5-3:** A creek restoration program using only appropriate native trees, shrubs and understory species, shall be required along the length of the Oreutt Creek corridor banks and top of banks, with this vegetation maintained by the developer for a period of 3 years until established. This program should include tree planting north of the multi-use trail and screening on the eastern boundary of the creek area.~~
- ~~— **DevStd KS5-4:** The developer shall pay a proportionate share of the improvement of the Clark/Stillwell intersection, including traffic signals and realignment and/or widening of Stillwell Rd., to mitigate the increased vehicle trips along the proposed Stillwell Road extension. Improvements shall include visual landscaped screening to the south and east to provide screening of the new higher density development and the road from the surrounding open space and lower density residential areas. This landscaping shall include a buffer, which includes oak trees, on the west side of Stillwell Road along the developed portion of the site.~~
- ~~— **DevStd KS5-5:** The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Oreutt Creek which can also be used as a Class I bike path.~~
- ~~— **DevStd KS5-6:** The final Development Plan shall depict a minimum setback of 25 feet between trunks of remaining eucalyptus trees and oak trees and any inhabitable structures.~~
- ~~— **DevStd KS5-7:** If Stillwell is extended as part of this project, native oaks and other native vegetation shall be planted along the roadway on the north-facing slope for erosion control and to screen the road from the view of residents and roadways to the north.~~
- ~~— **DevStd KS5-8:** Any development on the south-facing slope shall include a 25-foot building height limitation from existing grade. All structures, fences, walls, and roofs shall be constructed using earth-tone colors and construction materials that are compatible with the natural surroundings.~~
- ~~— **DevStd KS5-9:** The developer shall dedicate an easement to the County for, and construct, a public hiking trail along the north-facing slope concurrent with the road (Figure KS5-1). The developer shall also construct a footbridge over Oreutt Creek and connect this southern trail with the proposed trail network for southeast Oreutt, the park at Stillwell Road, and the proposed multi-use trail.~~
- ~~— **DevStd KS5-10:** All development on the northern perimeter of this site shall include a 16-foot building height limit from the existing grade. In addition, all northern perimeter lots shall incorporate a landscape buffer within the lots along the northern boundary. This landscape screen shall be installed by the developer and shall be of predominately native, drought-tolerant species.~~
- ~~— **DevStd KS5-11:** Any development in the southeast one-acre shall be fully screened from the extension of Stillwell Road which surrounds the area on three sides. Trees which reach at least 35-feet at maturity shall be planted between the residential units and the road on the south side, with a mix of lower-growing shrubs filling in the gaps. On the north and west sides of the units, a mix of trees and shrubs shall be planted to effectively block views of the units from the road.~~

KEY SITE 6

~~**Policy KS6-1:** Key Site 6 (APN 101-010-03) is designated PD 1.8 and zoned PRD 1.8. Any proposed development on Key Site 6 shall comply with the following development standards.~~

~~**DevStd KS6-1:** The area around the north, south, and east site perimeter which includes the chaparral and coastal scrub habitats, and the steep slopes along the northern portion of the site shall remain in natural, undeveloped open space (Figure KS6-1). No development except hiking trails and the Stillwell extension shall be permitted within this area. The minimum width of the eastern open space corridor shall be 120 feet between the eastern site boundary and the rear lot/fence line of the closest lot.~~

~~**DevStd KS6-2:** Key Site 6 shall be designed in a manner which includes the extension of Stillwell Road to Bradley Road as a public road as generally shown on Figure KS6-1.~~

~~**DevStd KS6-3:** The Stillwell Road extension through the site should be of rural design and as narrow as possible while still allowing a Class II bike path. Revegetation of areas disturbed during road construction shall include oak trees and appropriate native vegetation to maintain the scenic and natural resource qualities of the bluffs. On the north facing slope, to the maximum extent feasible the roadway shall be aligned to cross the slope to minimize grading, vegetation removal and visual impacts to views from roads and residences to the north. A slope stabilization plan which includes effective planting with native, drought tolerant species shall be prepared by the developer subject to approval by the Planning and Development Department.~~

~~**DevStd KS6-4:** Any development on the north and west sides of the terrace shall include a 25 foot building height limitation from existing grade, and shall be reviewed by the Board of Architectural Review for visual impacts. All structures, fences, walls, and roofs shall be constructed using earth tone colors and construction materials that are compatible with the natural surroundings.~~

~~**DevStd KS6-5:** Any Development Plan application shall include dedication of an easement and construction of a public hiking trail that extends through the site along the site's eastern boundary (Figure KS6-1) to connect with the proposed trail network for southeast Orcutt, as part of the first phase of any development.~~

~~**DevStd KS6-6:** To the extent feasible, locations for all utilities required to service the site, including sewer lines, shall be within road right of ways.~~

~~KEY SITE 7~~

~~**Policy KS7-1:** Key Site 7 (APN 101-010-02) is designated PD and zoned PRD (52 units maximum). Any proposed development on Key Site 7 shall comply with the following development standards.~~

~~**DevStd KS7-1:** All development shall be limited to the 6.9 acre mesa on the southwest corner (31 units maximum potential buildout) and the 7.2 acre mesa on the northeast corner (21 units maximum potential buildout). No development shall be permitted within the open space areas shown on Figure KS7-1 except the road crossing, the proposed hiking trail, and limited drainage improvements.~~

~~**DevStd KS7-2:** Development of the site shall include the implementation of a County approved habitat restoration plan within the open space areas of sandhill chaparral with a focus on oak replacement and rare plant regeneration.~~

~~**DevStd KS7-3:** The developer shall construct the extension of Stillwell Road across this site including a Class II bikeway and a bridge across the tributary of Orcutt Creek as shown on Figure KS7-1. That portion of these improvements which are regional in nature and beyond that required to serve development immediately on the site (e.g. the bridge) shall be funded through the OTIP consistent with Policy CIRC O-1.~~

- ~~**DevStd KS7-4:** The segment of the road crossing the creek shall be designed to avoid or minimize removal of oak woodland. The creek shall be spanned by a bridge with sufficient minimum clearance to permit free movement of large mammals and trail users. These facilities shall be designed to maintain the area's rural character through use of stone, rough hewn timbers, or other materials, the planting of oaks, and other appropriate measures.~~
- ~~**DevStd KS7-5:** In order to reduce potential fire danger and protect the oak woodlands and other valuable resources on this site, development on the western mesa shall transition from "higher" density adjacent to the Oak Knolls subdivision (with lot sizes compatible to the existing lots) to "lower" adjacent to the open space in the center of the site. Lots adjacent to the border of the open space area shall be a minimum of 12,000 square feet. On the eastern mesa, lot sizes shall be compatible with those on Site 6 to the east; lots adjacent to the open space area shall be a minimum of 12,000 square feet.~~
- ~~**DevStd KS7-6:** All development, including the road extension, shall be aligned to avoid the archaeological site identified in the EIR. If avoidance is infeasible, the developer shall employ other measures discussed in the Environmental Impact Report (Section 5.7, EIR Volume I).~~
- ~~**DevStd KS7-7:** Trees shall be planted along the Stillwell Road extension in order to minimize the visual impacts to the surrounding community. Native, drought tolerant vegetation, including oak trees, shall be replanted in open space areas to stabilize graded slopes and screen the road from the trail. The perimeter of residential development shall be landscaped with native, drought tolerant vegetation to screen it from the open space area.~~
- ~~**DevStd KS7-8:** The developer shall construct a public hiking trail adjacent to the tributary of Oreutt Creek, as shown in Figure KS7-1, that will connect with the proposed trail network for southeast Oreutt.~~
- ~~**DevStd KS7-9:** Any development on the north, west and east sides of the site shall include a 25-foot building height limitation from existing grade and shall be reviewed by BAR for visual impacts. All structures, fences, walls, and roofs shall be constructed using earthtone colors and construction materials that are compatible with the natural surroundings.~~
- ~~**DevStd KS7-10:** If feasible, access to the southern portion of Key Site B shall be coordinated with/provided through this site.~~
- ~~**DevStd KS7-11:** While this site may develop up to the maximum density established by the OCP and zoning, if the owner wishes to transfer some units off this site to Site 12, the County prefers that units first be transferred off of the eastern mesa to reduce visual impacts and impacts to the grassland.~~

KEY SITE 8

~~**Policy KS8-1:** Key Site 8 is designated PD and zoned PRD (48 units maximum) on parcel 103-200-026 (Taft) and designated REC-OS and zoned REC on the remaining parcels (103-200-011, 045 & 067, and 103-361-012 & 013). The Jones parcel (APN 103-200-011) shall be a transfer of development credits sender site. Any proposed development on Key Site 8 shall comply with the following development standards:~~

General

~~**DevStd KS8-1:** Except as noted in DevStds KS8-3 and KS8-13, the entire site shall remain in natural, undeveloped open space, except for the developable area on the Taft parcel (APN 103-200-026) (Figure KS8-1). No development except passive recreation such as the Class I bike path/multi-use trail and those uses identified in DevStds KS8-6, 7 and 8 below, sewer/utility lines, and a regional retention basin shall be permitted within the open space area. Riparian and other significant native vegetation within the open space area shall be enhanced and protected. All development adjacent to the open space area shall be~~

required to install and maintain a landscape screen of native trees and shrubs.

Jones (APN 103-200-011)

~~**DevStd KS8-2:** If a transfer of development credits occurs from the Jones parcel, the Jones parcel shall be dedicated to the County.~~

~~**DevStd KS8-3:** If transfer of development credits does not occur on the Jones Parcel, the County shall consider redesignating and rezoning that parcel to PD/PRD one unit.~~

Taft (APN 103-200-026)

~~**DevStd KS8-4:** Development on the eastern portion of the Taft parcel shall not be allowed within of the 100-year flood hazard line as determined by the 1995 HEC II study and shown on Figure KS8-1.~~

~~**DevStd KS8-5:** A creek restoration program, using only appropriate native trees, shrubs and understory species, shall be required along the length of the Orcutt Creek corridor north bank and top of bank (between Harp Road and Olive Hill Road), with this vegetation maintained for a period of 3 years. This program should also include tree planting north of the multi-use trail.~~

~~**DevStd KS8-6:** A landscape plan shall include landscape buffers along the southern and eastern perimeters of the development area. To the extent feasible solid fencing shall be avoided, and where it is installed it shall be screened with native drought-tolerant plants. Where appropriate, this buffer should be integrated with the creek restoration program above.~~

~~**DevStd KS8-7:** As part of development on the Taft parcel, the developer shall dedicate an easement for and construct a flood control/emergency access route which can be used as a Class I bikepath/multi-use trail between Harp Road and Olive Hill Road, as shown on Figure KS8-1. If the Worsley parcel is dedicated to the County or held in an open-space easement, the developer of the Taft site shall construct the multi-use trail segment across the entire width of Site 8.~~

~~**DevStd KS8-8:** The developer shall construct a footbridge across Orcutt Creek from the terminus of Harp Road to connect with the multi-use trail.~~

~~**DevStd KS8-9:** Primary access shall be from Harp Road with possible secondary access from Olive Hill Road. The segment of Harp Road south of the entrance to Site 8 should be developed at rural road standard widths if such a narrowing of the road is necessary to allow the stand of eucalyptus trees along this road to be preserved. Harp Road sidewalks installed as part of development of this site shall match the existing sidewalk northward on Harp Road.~~

~~**DevStd KS8-10:** The applicant shall work with the County and the private school facility located on Harp Road to analyze traffic flows on Harp Road and develop an appropriate traffic plan for the area.~~

~~**DevStd KS8-11:** Harp Road south of the entrance road to development on the Taft parcel should be considered for abandonment. Abandonment may only occur if continued access to Orcutt Creek is provided for flood control purposes, public parking is provided for access to the trail and sufficient room is provided for cars to turn around.~~

~~**DevStd KS8-12:** The eucalyptus trees located along the northern property line shall be preserved and protected as a buffer between new and existing development. These trees shall be trimmed by a County-approved arborist during development of the site. When the final map is recorded, a deed restriction shall be placed on the property and a separate buyer notification sheet also provided, prohibiting tree removal unless determined to be an imminent safety hazard by the Building and Safety Division.~~

Worsley (APNs 103-200-067, 103-361-013)

~~**DevStd KS8-13:** This property has been zoned recreation since 1963 with the intent that it be used on an~~

~~ongoing basis as compensatory open space with potential recreational uses for the benefit of the residential development project immediately to the south which was rezoned at the same time and was part of the same development plan. Due to the constrained access to the site, intensive traffic generating uses shall not be permitted. Recreational uses shall be confined to the meadow area and setback a minimum of 50 feet from the top of the creek bank/edge of riparian vegetation, whichever is further, and 50 feet from the canopy of the oak forest. In order to screen adjacent habitats from active use areas, landscaping of these 50 foot wide buffer strips with native trees and shrubs shall be required.~~

~~**DevStd KS8-14:** The regional retention basin(s) shall be sited and designed to minimize both construction related impacts to riparian and oak woodlands and operational impacts to reestablished grassland and adjacent habitats. The northern and southern edge of the potential retention basin on the Worsley parcel shall be setback a minimum of 50 feet from the top of the creek bank/edge of riparian vegetation, whichever is further, and 50 feet from the canopy of the oak forest. The perimeter of the basins shall be revegetated with native oak woodland and riparian trees, shrubs, and understory. The basin bottom shall be revegetated with appropriate native and annual grassland and/or wetland species. If necessary, sufficient top soil shall be stockpiled to allow proper revegetation of the basin bottom to occur. Retention basin design and construction shall be subject to review and approval by the County Flood Control District and the Planning and Development Department.~~

~~**Action KS8-15:** In order to minimize traffic impacts and protect the valuable resources onsite, the County should consider a residential project of up to three units. The site is also identified as a transfer of development credits sender site to KS12. If transfer of development credits occurs, an open space easement shall be placed on the parcel. If the property owner has agreed to dedicate the property to the County, the County should consider granting the property owner additional transfer of development credits.~~

~~KEY SITE 9~~

~~**Policy KS9-1:** Key Site 9 (APNs 103 200 075, 076, and 077) is designated General Commercial and zoned C 2. Any proposed development on Key Site 9 shall comply with the following development standards:~~

~~**DevStd KS9-1:** The row of pine trees along the western and southern boundaries shall be retained as visual buffers unless the Planning and Development Department determines that new plant material would provide better screening.~~

~~**DevStd KS9-2:** The developer shall fund and install a landscaped center median on Clark Avenue along the entire frontage of this site. The entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient height at maturity and spacing to provide a partial canopy over Clark Avenue. The developer shall be responsible through a bond for maintaining the new landscaping for a period of three years or until such time as the County determines it is "established" or adopts a landscape maintenance district, whichever occurs first.~~

~~**DevStd KS9-3:** A future traffic study (performed at the time of application for commercial development) shall determine if left turns into and out of this site are feasible. If they are determined feasible, the median shall include turning pockets; if not, the entire median shall be landscaped.~~

~~KEY SITE 10~~

~~**Policy KS10-1:** Key Site 10 is designated PD 1.8 and zoned PRD 1.8. Any proposed development on Key Site 10 shall comply with the following development standards:~~

~~**DevStd KS10-1:** The area 150 feet north and south from the creek centerline shall be designated open~~

space, as shown on Figure KS10-1. No development shall be permitted in the open space area except the proposed flood control/emergency access/Class I bike path/multi use trail and development of public or private recreation areas. The emergency access/Class I bikeway/multi use trail and all recreation areas shall be located a minimum of 50 feet from the top of bank of Orcutt Creek. Riparian and other significant native vegetation within this open space shall be protected and enhanced.

~~**DevStd KS10-2:** Development on the Bowers parcel (APN 103 181 024) shall be limited to the northeastern 3 acres and access to this development shall be located as far north as possible off Bradley Road.~~

~~**DevStd KS10-3:** A landscape and screening plan shall be submitted for each parcel. This plan shall include project screening from both Bradley Road and the open space and trail areas. This landscape screen shall be incorporated within the development so as to avoid a landscape wall down Bradley Road. To the greatest degree feasible, this plan shall be coordinated between the two parcels so as to provide unified landscape and screening across the whole site.~~

~~**DevStd KS10-4:** Development onsite shall include installation of landscaped buffer strips of native trees and shrubs between the bike path and other active use areas and the existing edge of riparian vegetation. A landscape buffer of native, drought tolerant trees and shrubs (e.g., oaks, sycamores, and lemonadeberry) shall be installed between developable areas and the open space areas and shall be maintained for a period of 3 years until established.~~

~~**DevStd KS10-5:** All oak trees onsite shall be protected to the maximum extent feasible. Where removal is necessary, revegetation and restoration of disturbed areas shall be required with native trees and vegetation.~~

~~**DevStd KS10-6:** The developer shall dedicate an easement for and construct a flood control/emergency access route which can also be used as Class I bikepath/multi use trail, as shown on Figure KS10-1.~~

KEY SITE 11

~~**Policy KS11-1:** Key Site 11 (APN 103 181 006) is designated PD 0.3 and zoned PRD 0.3. Any proposed development on Key Site 11 shall comply with the following development standards.~~

~~**DevStd KS11-1:** Open Space areas shall be designated as shown on Figure KS11-1. The row of eucalyptus trees depicted on Figure KS11-1 shall be protected if feasible. If infeasible, native drought-tolerant trees shall be planted within the open space area. Any development in the open space area (e.g., the retention basin) shall not disturb the pond in the southwest corner.~~

~~**DevStd KS11-2:** This site shall be considered as a sending site for a transfer of development credits program. If all development credits are purchased and transferred offsite, the owner should dedicate an Open Space easement to the County or private non profit agency, the County shall consider designating the site Open Space and zoning it REC, and the site shall be developed as a public park, if feasible. Alternatively, if units are developed onsite, the County shall consider purchasing the open space area, rezoning it, and developing it as a park, if feasible.~~

~~**DevStd KS11-3:** Development of residences onsite shall be confined to the north side of Orcutt Creek, above the 100 year floodplain. If portions of the floodplain are filled to raise development, all associated embankments shall be revegetated with native, drought tolerant trees and shrubs.~~

~~**DevStd KS11-4:** Ingress and egress to the site shall be limited to one access point from Clark Avenue to be shared by all residences.~~

~~**DevStd KS11-5:** A landscape screening plan shall be submitted which details the screening of the development from both Clark Avenue and Orcutt Road. To the greatest degree feasible, this plan shall include native, drought tolerant species.~~

- ~~**DevStd KS11-6:** If the site is developed as a park, the County should consider including trail linkage from the identified trail on Fig. KS11-1 to a trail along the creek.~~
- ~~**Policy KS11-2:** The County shall consider redesignating the entire site to General Commercial/Existing Public or Private Recreation and/or Open Space, and rezoning the four acres adjacent to Clark Avenue C-2 with the remainder of the site zoned REC, upon the dedication of a permanent Open Space easement over the area shown as REC in Figure KS11-2. Any proposed development on Key Site 11 shall comply with the following development standards.~~
- ~~**DevStd KS11-7:** Due to the topography, size, location, and resource and access constraints associated with this site, Key Site 11 shall be developed as a whole subject to a Specific Plan (Government Code Section 65450) which shall include the following requirements:~~
- ~~A. The Specific Plan and any sub-division maps must be conditioned to ensure that the recreational area has adequate parking on the level area adjacent to Clark Avenue as well as adequate access; and~~
- ~~B. Due to the close proximity of this site to Delta High School, liquor stores and/or bars (except those within a restaurant where the bar constitutes one fourth or less of the seating area) shall not be allowed.~~
- ~~**DevStd KS11-8:** All commercial development and activity shall be limited to a four-acre area adjacent to Clark Avenue. The remainder of the site shall be designated Open Space as shown on Figure KS11-2. Active recreation shall be confined to the area within the regional retention basin. Recreational uses outside of the regional basin shall be limited to the Class I bikeway and walking trails. Any development in the open space area, including stormwater retention and recreational facilities, shall avoid disturbance to the pond in the southwest corner of the site.~~
- ~~**DevStd KS11-9:** Full access to the site shall be limited to one intersection located directly across from Bethany Lane and one access point from Oreutt Road (noted as "potential access" points on Figure KS11-1). The intersection shall be signalized if determined necessary by Public Works. In addition to the intersection, additional right in/right out only access points on Clark Avenue may be considered for approval by the Public Works Department and the Planning and Development Department. The developer shall construct a raised center median and planter on Clark Avenue for the entire length of the site boundary to control turning movements on and off the site through left turn access lanes.~~
- ~~**DevStd KS11-10:** All drainage systems for site development shall be designed to avoid introduction of contaminants from urban runoff into the creek through the inclusion of silt and grease traps on all drains.~~
- ~~**DevStd KS11-11:** The developer and the County shall coordinate with Santa Maria Area Transit to determine the best way to provide public transit service to the site.~~
- ~~**DevStd KS11-12:** Site design shall include pedestrian access between the commercial and recreational uses on the site.~~
- ~~**DevStd KS11-13:** An on-site manager(s) for both commercial and recreational uses shall be provided, available by telephone, and the manager's phone number(s) shall be conspicuously posted.~~

Commercial Development Standards

- ~~**DevStd KS11-14:** In order to mitigate the change in visual character associated with structural development at the "gateway" to Old Town, the entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall provide financial security to~~

~~ensure maintenance of the new landscaping for a period of three years or until such a time as the County determines that they are "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.~~

~~**DevStd KS11-15:** Installation of the Class I bikeway and trail, as shown on Figure KS11-1, shall be required as part of any commercial development of the property. Development of recreational uses on the property should include consideration of a trail linkage along the creek.~~

~~**DevStd KS11-16:** Development of the commercial portion of the site shall include installation of the following landscape features (consisting of drought tolerant trees, shrubs and vines):~~

~~— An average 15 foot wide landscaped buffer along Clark Avenue with trees which reach a minimum height of 35 to 50 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue;~~

~~— A minimum 10 foot wide landscape planter strip along the entire southern boundary of the commercial area to soften the views of new buildings and to partially obscure building masses (openings shall be allowed for pedestrian and vehicle access to the recreational area below);~~

~~— Revegetation with native species of all fill slopes resulting from creation of commercial building sites;~~

~~— A minimum 75 foot wide landscape buffer along the eastern boundary with a double row of non-deciduous trees which reach a minimum height of 35-50 feet at maturity. Additional plantings shall consist of shrubbery which completes the vegetative buffering of the adjoining property to the east;~~

~~— A solid masonry wall on the eastern edge of the commercial zone for the entire width of the commercial development. Additional raised landscape berms and/or decorative masonry walls incorporated into the buffer strips to supplement the screening provided by vegetation;~~

~~— Fast growing vines and shrubs planted along all screening walls;~~

~~— Inviting landscaped pedestrian access point(s) from Clark Avenue with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the center's own internal pedestrian circulation; and~~

~~— Additional plantings of oak trees on the north facing slope located at the southern edge of the site.~~

~~**DevStd KS11-17:** Development on the site shall be consistent with the "Commercial Policies" in Land Use Commercial and Industrial Section II.C.~~

~~**DevStd KS11-18:** Development on the site shall be consistent with the "Gateway Policies" in Visual Resources Section IV.H, shall adhere to all applicable "Old Town" development standards, and shall be subject to review by the Old Town Board of Architectural Review.~~

Recreational Development Standards:

~~**DevStd KS11-19:** Development of the recreational portion of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs and vines):~~

~~— An average 25-foot wide landscaped buffer along the eastern property line for the width of the recreational development, with native trees which reach a minimum height of 50 feet at maturity;~~

~~— A minimum 10 foot wide landscaped buffer along the northern, southern, and western perimeter of recreational development to soften the views of structural development within the Creek corridor;~~

~~Fast growing vines and shrubs planted on all chain link fences, if feasible; and~~

~~Inviting landscaped pedestrian access point(s) from adjacent roadways with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with internal pedestrian circulation.~~

~~**DevStd KS11-20:** All recreational uses shall be consistent with the requirements of the proposed regional retention basin, and constructed in accordance with the County's Floodplain Management Ordinance.~~

~~**DevStd KS11-21:** All recreational uses shall maintain an average 75 foot setback from the top of bank of Oreutt Creek. The 75 foot setback shall include plantings of native trees and shrubs, and if deemed appropriate, delineation by decorative fencing (e.g., split rail). Allowable development within the setback consists of: 1) a pedestrian bridge over the creek; 2) vehicle access across the creek (e.g., Arizona crossing), and 3) a walking path along the creek. All development is subject to review and approval by the Flood Control District and the Planning and Development Department. The bridge should provide a minimum 6 foot vertical clearance above the channel, unless flood flows or topography dictate a different height.~~

~~**DevStd KS11-22:** To the maximum extent feasible, recreational development on the site shall be designed to utilize the access and parking provided for commercial development.~~

~~**DevStd KS11-23:** Night lighting of play fields and parking lots shall be prohibited. Lighting shall be limited to security lighting of storage structures and/or other accessory structures.~~

~~**DevStd KS11-24:** No amplified Public Address, music systems or live music shall be allowed.~~

~~**DevStd KS11-25:** The row of eucalyptus trees depicted on Figure KS11-1 shall be protected if feasible. If deemed infeasible, native drought tolerant trees shall be planted within the open space area.~~

~~**DevStd KS11-26:** Recreational development of the site shall include a plan for revegetation of Oreutt Creek with appropriate native species, approved by the Flood Control District and the Planning and Development Department.~~

~~**DevStd KS11-27:** In order to prevent future change of use on the non-commercial portion of the site, an Open Space Easement shall be placed on the open space areas of the site. A fence which clearly delineates the open space area shall be installed and maintained throughout the life of the project.~~

KEY SITE 12

~~**Policy KS12-1:** Key Site 12 (APN 101-010-013 and 105-140-016) is designated PD/PRD with a maximum potential buildout of 825 units (725 residential units is the base density with the potential to increase development with the purchase of development credits from Key Site 7, as well as Key Sites B, 8, 30 and 3).~~

~~**Policy KS12-2:** Key Site 12 shall be developed subject to a Specific Plan (Government Code Section 65450) which includes the following dedications and improvements. Any proposed development on Key Site 12 shall comply with the following development standards:~~

~~A. All required affordable housing shall be developed onsite.~~

~~B. The developer shall dedicate an additional five acre park and a minimum of four one-acre neighborhood parks. These park sites and the park adjacent to the school (previously dedicated) shall be developed to Park Department specifications. These parks may be wholly or partially located in the open space area.~~

~~C. Bikeways and trails shall be developed to County Standards within the previously dedicated public~~

~~trail easements. One of these trails shall be a historic nature trail that includes educational interpretive signs describing the history of this site and the historic features once found on this site.~~

~~**DevStd KS12-1:** The project shall include dedication of public easements for hiking trails as shown in Figure KS12-1 that will link development on the site with the proposed trail network for southeast Orcutt. New trail easements shall be aligned with existing dirt roads/trails to the greatest extent possible.~~

~~**DevStd KS12-2:** The development plan shall include a master drainage and erosion control plan, addressing both facilities and maintenance, prepared by a Civil Engineer in consultation with the Flood Control District and the Planning and Development Department. Methods to minimize increases in erosion shall also be identified. The developer shall construct an on-site retention basin along Pine Canyon Creek consistent with the Regional Retention Basin Program. To the maximum extent feasible, this basin shall minimize impacts to the existing wetlands/riparian habitats of Pine Canyon Creek through use of raised roadway berms to eliminate or reduce the need for grading within the wetland/riparian areas. The basin shall be designed to minimize maintenance disturbances. None of the excavated material from the retention basin shall be placed within the creek channels, within areas of native vegetation, nor within areas designated as open space.~~

~~**DevStd KS12-3:** If the historic pieces of farm equipment are left behind by the property owner or lessee, the County should encourage the owner or lessee to donate them to a local historical society or museum, or to utilize them in a display onsite accompanied by an interpretive sign.~~

~~**DevStd KS12-4:** The Development Plan shall include a study conducted by a state-registered Civil Engineer which identifies project impacts to the public water system. The Development Plan shall incorporate all feasible design measures to mitigate these impacts.~~

~~**DevStd KS12-5:** Access to the western section of this site shall be located near the west boundary. The eastern section of the Rice Ranch property shall take primary access at the intersection of Stubblefield Road and Via Pavion. The developer shall provide continued access to the existing residence to the south (APN 101-010-06). New roads shall be aligned with existing roads to the extent possible and be designed to rural road standards where appropriate.~~

~~**DevStd KS12-6:** The Specific Plan shall include a landscape, open space management, and habitat protection plan approved by the Planning and Development Department. A draft plan shall be submitted prior to environmental review. This plan shall:~~

- ~~Identify methods for the long-term management, protection and enhancement of habitats within the open space onsite, including protection of wildlife corridors;~~
- ~~Identify methods to protect and enhance habitats including, but not limited to, installation of landscape buffers of native trees and shrubs, restoration of degraded habitats, use of fencing to protect wildlife corridors, use of signs, etc;~~
- ~~Include habitat restoration of sandhill chaparral with focus on rare plants;~~
- ~~Design development in open space areas to maintain habitat continuity between grassland, oak woodland, sandhill chaparral, and coastal sage scrub;~~
- ~~Include unified landscape themes protecting and enhancing open space corridors and the site's semi-rural character through use of native trees, plants, and other appropriate species;~~
- ~~Include perimeter landscaping, including center and roadside median plantings and street trees. This landscaping shall be of sufficient density to break up building masses and partially screen development and rear yards from surrounding roads and neighborhoods. The project landscape plantings shall be oriented toward maintaining the semi-rural character of the site (e.g., use of natives and informal plantings) and provide screening while maintaining key view corridors;~~

~~— Ensure that the open space "neck" in the eastern mesa is a minimum of 200 feet wide; and~~

~~— Ensure that a minimum ten foot setback is maintained between the edge of lots and the edge of vegetation and/or the break in slope in identified open space areas.~~

~~**DevStd KS12-7:** If the New Love Oil Field access road continues to be used to transport potentially hazardous materials, the Specific Plan shall qualitatively identify risks and include measures to mitigate impacts to project development from such use.~~

~~**DevStd KS12-8:** No development shall occur in the southwesternmost valley (see Figure KS12-2) unless the County Fire Dept. has determined that adequate setbacks are established to minimize fire danger and that adequate access is provided to allow safe evacuation in the event of a fire or other emergency.~~

~~**DevStd KS12-9:** As areas south of the Specific Plan area are zoned for agricultural uses, including permitted oil development, the Specific Plan shall include appropriate setbacks and other mitigation to protect agricultural and permitted oil operations on agriculturally zoned lands. These measures may include berming, landscaping and a "buyer beware" notification as set forth in DevStd LUA-O-2.2.~~

KEY SITE 13

~~**Policy KS13-1:** Key Site 13 is designated Residential 1.0, and zoned DR 1.0 on APNs 105-330-013 & 014 and DR 0.5 on APNs 105-330-011 & 012. Any proposed development on Key Site 13 shall comply with the following development standards.~~

~~**DevStd KS13-1:** The area encompassing 50 feet north and south of the top of bank along both branches of Pine Canyon Creek, extending to 200 feet north and south near the western boundary of the site, shall remain in natural, undeveloped open space as shown on Figure KS13-1. No development except access roads and public sewer lines shall be permitted within this open space. The access road and sewer lines shall be located a minimum of 50 feet from the top of bank of either branch of Pine Canyon Creek, to the maximum extent possible. Where this is not feasible, restoration and revegetation of disturbed areas shall be required with native riparian vegetation.~~

~~**DevStd KS13-2:** Appropriate native drought tolerant or riparian trees shall be planted within the open space along Highway 135 to provide visual screening of future development. Trees shall be selected on the basis of screening capabilities and compatibility with adjacent riparian vegetation. This landscaping shall be incorporated into the final landscaping plans for future proposals on the site.~~

~~**DevStd KS13-3:** Existing eucalyptus trees shall be retained to the maximum extent feasible to preserve the existing visual character of the site and screen future development.~~

~~**DevStd KS13-4:** Access points to this site shall be minimized to the extent feasible. The developer of parcels 105-330-013 and 014 shall share one access point and coordinate with the church driveway if feasible, or if infeasible, shall coordinate access onto Rice Ranch Road with Site 17 to the north.~~

KEY SITE 14

~~**Policy KS14-1:** Key Site 14 (APN 105-140-030) is designated PD 1.5 and zoned PRD. Any proposed development on Key Site 14 shall comply with the following development standards:~~

~~**DevStd KS14-1:** The areas shown on Figure KS14-1 shall remain in natural, undeveloped open space. No development except access roads or trails shall be permitted within the open space area.~~

~~**DevStd KS14-2:** The historic dam should be preserved and protected and the staging area shall be located there and developed as a part of any discretionary development project. The dam should be incorporated into any discretionary project, linked to the Rice Ranch Trail System, and marked with a monument explaining the significance of the structure.~~

~~**DevStd KS14-3:** Residential development on the site shall be limited to 16 feet in height maximum above existing grade on the perimeter of the site and 24 feet in the interior.~~

~~**DevStd KS14-4:** The developer shall submit a landscape plan which includes a 50 foot wide visual landscaped buffer along the western boundary of the site along Graciosa Road and provides screening along the south to shield views from Highway 135. Where the creek runs adjacent to the road, the buffer may be placed on the east side of the creek corridor. The landscape plan shall also include a creek restoration plan which uses appropriate native trees, shrubs and understory species only along the length of the Graciosa Creek corridor banks and tops of banks. All landscape vegetation shall be maintained for a period of 3 years or until established.~~

~~**DevStd KS14-5:** Development on the site shall be consistent with the "gateway policies" in the Visual Resources section of this Plan (Section IV.H).~~

~~**DevStd KS14-6:** The developer of Site 14 shall construct a trail from the staging area to Graciosa Road and this trail should connect with any linkage provided between Sites 14 and 15, if feasible.~~

~~KEY SITE 15~~

~~**Policy KS15-1:** Key Site 15 (APN 105 140 055) is designated General Commercial and zoned SC on the northeast 3 acres along Clark Avenue, designated Industrial Park and zoned MRP on the remaining 37 northern acres, and designated PD/PRD (maximum 200 units) on the remaining 88 acres (Figure KS15-1). Densities of six to eight units/acre (e.g. SLP) should be considered in the developable area fronting Rice Ranch Road. Any proposed development on Key Site 15 shall comply with the following development standards.~~

~~**DevStd KS15-1:** The area extending along Graciosa and Pine Canyon Creeks, including the riparian corridor and associated woodlands, shall remain natural, undeveloped open space as shown on Figure KS15-1. No development except bikepaths, hiking trails, a potential access road, or a park shall be permitted within this open space and no structures shall be permitted within 50 feet of the top of the creek bank. A creek restoration program using only appropriate native trees, shrubs and understory species shall be required along the length of the creek corridors, both banks and top of banks, and shall be maintained by the developer for a period of 3 years until established.~~

~~**DevStd KS15-2:** Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs and vines):~~

~~Minimum 50 foot wide landscaped buffers along Highway 1 and Highway 135 with trees exceeding 50 feet in height at maturity planted in clusters a maximum of every 100 feet (part of this buffer may be developed in an easement secured from California Department of Transportation, with a minimum of 20 feet of this buffer located on the project site;~~

~~Buffers along Highways 1 and 135 shall be landscaped with a sufficient density of trees and shrubs to entirely screen all parking areas from these roadways and to break up/partially obscure building masses;~~

~~An average 35 foot wide landscape buffer along Clark Ave. with trees which reach a minimum height of 35 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue;~~

~~A minimum 15 foot wide landscape planter strip along the entire southern boundary of the commercial project to screen new residences;~~

~~Raised landscape berms and/or decorative masonry walls incorporated into the buffer strips to supplement the screening provided by vegetation;~~

~~Fast growing vines and shrubs planted along all screening walls; and~~

~~Where rear yards abut Highway 1 or Highway 135, these yards shall be completely screened from view~~

through the use of vegetation, landscaped berms or decorative masonry walls.

~~**DevStd KS15-3:** To the extent feasible, Site 15 and 16 shall be designed in coordination to provide the most appealing gateway development. Such coordination shall include design, scale, architectural style and color of development.~~

~~**DevStd KS15-4:** To provide pedestrian circulation within the site and with the commercial uses on Site 16 and the rest of Old Town, the developer shall construct a walkway along the length of the western boundary of Graciosa Creek (setback a minimum of 50 feet from the top of the bank) connecting with a footbridge across Graciosa Creek linking this site with Site 16 to the east.~~

~~**DevStd KS15-5:** Access to this site shall align with the access points as depicted on Figure KS15-1 to the greatest degree feasible, and no access shall be allowed from Highway 1 or Highway 135.~~

~~**DevStd KS15-6:** Access to the buildable area surrounded by the open space in the southern portion of the property (see Figure KS15-1) shall be limited to one point and may be from an extension of Marcum Road providing there is not significant grading or other intrusion into the wetland areas adjacent to the existing berm. If this is not feasible, access may be across Graciosa Creek from a single bridge.~~

~~**DevStd KS15-7:** Project design shall minimize long term operational noise exposure to the residences on the southern portion of the site. This design shall include locating loading bays and other areas of truck use away from residences, the use of landscaped berms or the minimal use of soundwalls, and enclosing noise generating uses in sound reducing structures.~~

~~**DevStd KS15-8:** Development on this site shall be reviewed for gateway landscaping along Clark Avenue, including pedestrian access and landscaping on the frontage, and consideration of the need for a center median on Clark Ave. If a median is deemed necessary, the entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient height at maturity and spacing to provide a partial canopy over Clark Avenue. The developer shall provide financial security for maintenance of the new landscaping for a period of three years or until such time as the County adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.~~

~~**DevStd KS15-9:** Development of the site shall include attractively landscaped pedestrian entries from adjacent roadways and the footbridge from Site 16, with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the site's own internal pedestrian circulation.~~

~~**DevStd KS15-10:** A phase I oil survey shall be performed prior to development on this site. All future property owners shall be notified in writing of the presence of oil and gas lines within 100 feet of their property.~~

~~**DevStd KS15-11:** Development on the site shall be consistent with the "gateway policies" in the Visual Resources section of this Plan (Section IV. H).~~

~~**DevStd KS15-12:** The developer shall construct a pedestrian/bicycle crossing under Hwy 135 linking this site to the trail on Key Site 14 to the south, if feasible.~~

~~KEY SITE 16~~

~~**Policy KS16-1:** Key Site 16 (APN 105-330-001 and 002) is designated General Commercial and zoned SC (Shopping Center). Any proposed development on Key Site 16 shall comply with the following development standards:~~

~~**DevStd KS16-1:** To the extent feasible, Site 15 and 16 shall be designed in coordination to provide the~~

~~most appealing gateway development. Such coordination shall include design, scale, architectural style and color of development.~~

~~**DevStd KS16-2:** The area extending along Graciosa Creek shall remain in natural, undeveloped open space as shown on Figure KS16-1. No development except hiking trails, a footbridge or a park shall be permitted within the open space. The eastern boundary of the open space area shall be delineated by a low fence and planting of native trees and shrubs. As part of development on this site, a foot trail shall be constructed along Graciosa Creek as shown on Figure KS16-1, linking with the trail on Site 15 to the south. Riparian and other significant native vegetation within this open space shall be protected and enhanced and the Creek shall be incorporated wherever feasible into the design of the site.~~

~~**DevStd KS16-3:** Development of the site shall include installation of an average 35 foot wide landscaped buffer along Clark Avenue. The buffer shall be landscaped with a sufficient density of drought tolerant trees and shrubs to entirely screen all parking areas from this roadway and to break-up/partially obscure, building masses. Trees shall be planted along Clark which reach a minimum height of 35 to 50 feet at maturity with a sufficiently large canopy to partially extend over Clark Avenue.~~

~~**DevStd KS16-4:** Landscaped buffer areas along the perimeter of the development shall include decorative masonry walls and/or landscaped berms to break up views of parking areas and building masses onsite. In addition, landscaping on this site shall screen views from the site of the pump station and oil tanks on the adjoining property to the southeast. All screening walls shall be planted with fast growing vines and shrubs along the base.~~

~~**DevStd KS16-5:** Development of the site shall include attractively landscaped pedestrian entries from adjacent roadways and the footbridge from Site 15, with attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the site's own internal pedestrian circulation.~~

~~**DevStd KS16-6:** No parking shall be allowed on the northward (Clark Avenue) frontage of this site. To the greatest degree feasible, parking areas shall provide pedestrian linkage to other areas of Old Town.~~

~~**DevStd KS16-7:** In order to minimize automobile traffic and provide for alternative transportation, the project shall provide frontage and construct a bus pull out on Clark Avenue. If deemed necessary, the project shall also construct a bus stop shelter on Clark Avenue.~~

~~**DevStd KS16-8:** Development on this site shall be reviewed for gateway landscaping along Clark Avenue, including pedestrian access and landscaping on the frontage and consideration of the need for a center median on Clark Ave. if appropriate. If a median is deemed necessary, the entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the e Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size and spacing to provide a partial canopy over Clark Avenue. The developer shall be responsible through a bond for maintaining the new landscaping for a period of three years or until such time as the County determines it is "established" or adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.~~

~~**DevStd KS16-9:** Development on the site shall be consistent with the "gateway policies" in the Visual Resources section of this Plan (Section IV. H).~~

~~KEY SITE 17~~

~~**Policy KS17-1:** Key Site 17 is designated Residential 8.0 and zoned SLP. Any proposed development on Key Site 17 shall comply with the following development standards.~~

~~**DevStd KS17-1:** Any discretionary development shall include a landscape buffer consisting of drought-tolerant trees and shrubs of sufficient density to partially screen the proposed development from Rice Ranch Road, Soares Avenue, and Dyer Street. The buffer along Soares shall be integrated with the~~

~~planned park (see Figure KS17-1). A meandering trail as shown on Figure KS17-1 shall also be developed.~~

~~**DevStd KS17-2:** Homes located on the periphery of the site and those adjacent to the neighborhood park shall be one story, except as noted in Action KS17-6. Any two story development shall be visually compatible with, and shall not significantly block long range southerly views from, Old Town Orcutt.~~

~~**DevStd KS17-3:** Any discretionary development shall provide for dedication and construction of a one-half acre public neighborhood park fronting along the western portion of Soares Avenue as conceptually depicted on Figure KS 17-2. Parcels 105-330-004 and 105-134-004 shall each contribute at least three-fourths of an acre to this park and the park shall be a minimum of 100 feet wide where it fronts Soares Avenue.~~

~~**DevStd KS17-4:** Development on the site shall facilitate pedestrian access to Old Town. The developer(s) shall coordinate with Santa Maria Area Transit, and shall provide either a bus turn-out pocket along a public road (e.g., Rice Ranch Road), or a bus stop within the site, if requested by Santa Maria Area Transit.~~

~~**DevStd KS17-5:** Any access to Rice Ranch Road from this site shall be limited to one point from APN 105-330-06 and shall be coordinated to the greatest degree feasible with access to Site 13.~~

~~**Action KS17-6:** If an application is filed for a 100 percent senior housing project, as defined by California Civil Code Section 51 et seq, on Assessors Parcels 105-134-004, 005; 105-330-005, 006, or 008, the County should consider redesignating and rezoning affected parcels to Residential 20 and DR 14. However, to ensure neighborhood compatibility, the homes fronting Soares Avenue and the homes adjacent to the park should be single family on lots at least 6,000 square feet in size. In addition, buildings on APNs 105-330-005, 006 and 008 may be two stories in height but should be of low profile and screened to the greatest degree feasible.~~

KEY SITE 18

~~**Policy KS18-1:** Key Site 18 is designated Residential 0-3.3 and zoned DR 3.3 on APNs 105-020-018 and -022; designated General Commercial and zoned OT-GC along Clark Avenue (APNs 105-020-038 and -041 and the southernmost one-third acre of APN 105-020-063); and designated Open Space and zoned REC on the remaining parcels, as shown on Figure KS18-1. Any proposed development on Key Site 18 shall comply with the following development standards.~~

~~**DevStd KS18-1:** The entire site, with exception of the residential and commercial areas noted in Policy KS18-1 above, shall remain in natural, undeveloped open space. On APN 105-020-022, the open space shall include the area extending 50 feet from the top of the northern bank of Orcutt Creek. No development other than the proposed park, retention basin, and Class I bike path/multi-use trail shall be permitted within the open space.~~

~~**DevStd KS18-2:** All development allowed on APNs 105-020-18 and -22 shall occur only on APN 105-020-022; an Open Space easement shall be placed on APN 105-020-018 for the benefit of the residents of APN 105-020-022 to ensure that no development will be allowed on this parcel in the future.~~

~~**DevStd KS18-3:** All residential development shall be clustered on the northern half of APN 105-020-022 to avoid the Orcutt Creek corridor, slopes, and access constraints on the southern portion.~~

~~**DevStd KS18-4:** The route for the multi-use public trail/bike path shall be sited south of Orcutt Creek and designed to minimize the loss of significant vegetation. The northern side of the path should be revegetated with appropriate riparian vegetation and the southern side shall be planted with oaks throughout the segment which crosses the proposed park.~~

~~**DevStd KS18-5:** The retention basin onsite shall be modified, if necessary, to serve as a regional~~

retention basin based upon Flood Control District criteria and the flood control policies of this Plan. Any such modification shall be designed to minimize the extent of future disturbance to the site from maintenance activities. Excavated material from the retention basin shall be stored in a manner which avoids covering riparian vegetation.

~~**DevStd KS18-6:** The developer of commercial uses shall construct a raised center median and planter on Clark Avenue between Foxenwood Lane and Dyer Street which includes left hand turn pockets serving commercial development along Clark Avenue, Foxenwood Lane, Norris Street, and Twitchell Street. The entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient height at maturity and spacing to provide a partial canopy over Clark Avenue. The developer shall be responsible through a bond for maintaining the new landscaping for a period of three years or until such time as the County determines it is "established" or adopts a landscape maintenance district, whichever occurs first.~~

~~**DevStd KS18-7:** Development on the eastern portions and the Clark Avenue frontage of this site shall adhere to the "gateway" policies found in the Visual Resources section of this Plan. This gateway treatment shall include landscaping on the perimeter of parcel 105 020 41 sufficient to screen any development on this parcel from the westbound travel lanes along Clark Avenue at the Highway 135 off-ramp.~~

~~**DevStd KS18-8:** The area on the north-facing slope immediately south and east of the park access road and parking area shall be landscaped with native shrubs of sufficient height to block views of the paved area from the north.~~

~~**DevStd KS18-9:** The County shall work with the developer of the commercial uses fronting Clark Avenue to provide the maximum buildable area while minimizing impacts to the hillside and riparian corridor below and views from the public park.~~

KEY SITE 19

~~**Policy KS19-1:** Key Site 19 (APN 105 010 016) is designated PD 1.0 and zoned PRD 1.0. Any proposed development on Key Site 19 shall comply with the following development standards.~~

~~**DevStd KS19-1:** The creek area shown in Figure KS19-1 shall remain as natural, undeveloped open space. No structures shall be permitted within the open space, and development shall be limited to bike paths, hiking/equestrian trails, the access road, and sewer lines. Prior to development in the area of potential wetland as identified on Figure KS19-1, the County shall determine the wetland status of this area. If it is a wetland, no development shall occur there.~~

~~**DevStd KS19-2:** The developer shall dedicate an easement for and construct a flood control access route that can also function as a Class I bike path.~~

~~**DevStd KS19-3:** To the maximum extent feasible, no vehicular ingress to nor egress from this site shall be allowed from Clark Avenue.~~

~~**DevStd KS19-4:** To prevent the visual impacts of rear yards backing on to Clark Avenue, if homes are~~

~~built south of Orcutt Creek, to the greatest degree feasible they should front Clark Avenue with access from the rear. If this is infeasible, landscape screening shall be installed which will screen rear yards from Clark Avenue.~~

~~**DevStd KS19-5:** Future development¹ shall be served by public sewers. An exception to this standard may be granted where the County can make all of the following findings:~~

- ~~1. The application is for the two-way division of a lot legally created prior to March 2, 1987, and both resultant lots would contain a gross area of at least one acre;~~
- ~~2. Public sewer service to the property would not be feasible² during the time legally allowed for map recordation, including any permissible time extension(s);~~
- ~~3. All septic systems on the property shall comply with all customary County requirements and standards, to the satisfaction of County Environmental Health Services Division.~~

~~In any case where this exception is granted, the project shall be conditioned such that: no further division of the property shall be permitted until such time as public sewer service becomes feasible; and, all existing and new structures served by septic systems shall be required to connect to public sewers as soon as service becomes feasible.~~

~~**DevStd KS19-6:** A home buyer notification shall be recorded in a separate information sheet with the final tract map and/or parcel maps notifying the buyer that the owner is required to connect to the sewer line when it becomes available.~~

KEY SITE 20

~~**Policy KS20-1:** Key Site 20 (APN 105-020-046) is designated Residential 3.3 and zoned DR-3.3. Any proposed development on Key Site 20 shall comply with the following development standards.~~

~~**DevStd KS20-1:** If the proposed lots on the eastern boundary are of comparable size or larger than the residential lots in the adjacent existing development, no landscape buffer shall be required. If the proposed lots are smaller, a landscaped open space buffer installed by the developer of at least 15 feet shall be included along the eastern border of this site to buffer development from the existing homes to the east. If these lots abut the eastern border of the site, the landscape buffer shall be included within these lots.~~

~~**DevStd KS20-2:** If Terrazzo Way is extended through this site, a Class III bikeway shall be included. If it is not, a Class I bike path/multi use public trail along the southern property boundary should be~~

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¹ For the purpose of this Standard, "development" does not include the construction of a primary single family dwelling on a lot legally created prior to March 2, 1987, nor to development which can be accommodated by an existing private sewage disposal (septic) system and permitted by the County without discretionary action, in compliance with applicable regulations and policies.

² For the purpose of these Development Standards, "feasible" means "capable of being accomplished in a successful manner, taking into account economic, environmental, legal, and technological factors." The Orcutt "Ranchette Area" is within the Laguna County Sanitation District, and it is the responsibility of the project applicant to provide a compelling factual demonstration that service would not be "feasible" under finding e.ii.

constructed (Figure KS20-1).

~~**DevStd KS20-3:** The developer shall construct a meandering walkway through the existing trees fronting Blosser Road in place of a standard sidewalk. Where there are no trees, a standard sidewalk may be installed.~~

KEY SITE 21

~~**Policy KS21-1:** Parcel 113-250-014 is designated Open Space and zoned REC. The remainder of Key Site 21 is designated PD and Resort Visitor Serving Commercial and is zoned PRD (maximum 150 units). Any proposed development on KS-21 shall comply with the following development standards.~~

~~**DevStd KS21-1:** No applications for development shall be accepted prior to approval of a Specific Plan for the entire site.~~

~~**DevStd KS21-2:** Any Specific Plan application shall indicate the location of the residential units and may indicate the location of up to 20 acres of Resort Visitor Serving Commercial uses. For every acre of Resort Visitor Serving use proposed, the maximum allowable number of residential units shall be decreased by four. If the full 20 acres of commercial is developed, the maximum number of residential units will be 70. Any proposed Resort Visitor Serving uses shall be integrated/ coordinated with the preexisting golf course uses.~~

~~**DevStd KS21-3:** If a Specific Plan is adopted which includes Resort Visitor Serving Commercial, the County shall rezone portions of the property to CV as necessary to be consistent with the adopted Specific Plan.~~

~~**DevStd KS21-4:** The area depicted in Figure KS21-1 shall remain in natural, undeveloped open space. No development except trails or a roadway to parcel 113-250-017 and/or the existing parking lot shall be permitted within this open space and no structures shall be permitted within 50 feet of the top of the creek bank. The 50 foot setback shall be delineated by a low fence and plantings of native trees and shrubs.~~

~~**DevStd KS21-5:** The developer shall dedicate an easement for and construct a public staging area and hiking trail along the east side of the site boundary as depicted on Figure KS21-1.~~

~~**DevStd KS21-6:** Development along Highway 1 shall include installation and maintenance of an average 50 foot wide landscaped buffer along the highway with trees which would exceed 50 feet in height at maturity planted in clusters a maximum of every 100 feet (part of this screen may be developed in an easement secured from California Department of Transportation, providing an adequate permanent buffer is ensured). The buffer shall be landscaped with a sufficient density of trees and shrubs to screen views of all parking areas and to break up and screen views of development from Highway 1.~~

~~**DevStd KS21-7:** Residential units adjacent to the existing golf course should be designed to include private outdoor areas (e.g., landscape buffering) and ensure safety from stray golf balls. Development shall be designed to facilitate pedestrian access to the golf course and accommodate continued use of the public golf course.~~

~~**DevStd KS21-8:** All development shall be sited to preserve the natural landforms of the site and minimize grading.~~

~~**DevStd KS21-9:** The Specific Plan shall, to the maximum extent feasible, provide for coordinated access points on Highway 1 between this site and Key Site 22.~~

~~**DevStd KS21-10:** The layout and design of the development should be compatible with golf course actions and minimize risks to occupants and visitors from golf course activity.~~

~~**DevStd KS21-11:** The development should minimize visual impacts to Highway 1 and the surrounding rural area through the use of low profile design, earthtone colors and vegetated setbacks. The Specific~~

Plan shall be reviewed for compatibility with adjoining agricultural uses.

KEY SITE 22

~~**Policy KS22-1:** Key Site 22 is designated Residential Ranchette and zoned RR 20. Any proposed development on Key Site 22 shall comply with the following development standards.~~

~~**DevStd KS22-1:** The project shall include development of Union Valley Parkway between Highway 1 and the eastern site boundary, and "E" Street between the northern site boundary and Union Valley Parkway. "E" Street shall be aligned as shown in Figure KS22-1. The exact alignment of this road shall be determined at the time of the Specific Plan.~~

~~**DevStd KS22-2:** Development shall not be located within 50 feet of Highway 1 and an appropriate distance from UVP and "E" Street, as established in a site-specific noise analysis. Noise reducing features such as vegetated berms, building orientation, adequate setbacks, and extensive landscaping shall be incorporated along the airport approach zone and the site's southern boundary. Soundwalls shall not be utilized along public highways. Residential uses proposed within the 60 dB or greater CNEL airport noise contour shall provide an aviation easement to the Santa Maria Public Airport District.~~

~~**DevStd KS22-3:** Drainage improvements shall be provided to control contaminated run-off from paved surfaces. Parking areas shall incorporate design features such as perimeter drains equipped with silt/grease interceptors and catch basins to reduce contaminant levels in runoff before it enters the storm drain system.~~

~~**DevStd KS22-4:** Any development shall include an erosion control plan. Energy dissipaters, silt fencing, straw bales, and sand bags shall be used in conjunction with other methods to prevent erosion on slopes and siltation of the stream channel and other wetland habitats~~

~~**DevStd KS22-5:** Paved access sufficient to support the weight of Flood Control District maintenance vehicles and/or emergency vehicles shall be provided along Oreutt Creek. This road shall also function as a Class I bike path.~~

~~**DevStd KS22-6:** If development is proposed in areas where archaeological/historical resources have been identified in the EIR, it shall be conducted consistent with County CEQA Guidelines. The areas within the identified development setbacks shall be incorporated into the project design as "Undevelopable Open Space" and the site shall be seeded prior to sale of units. The areas designated "Undevelopable Open Space" shall be clearly labeled on all development and grading plans. Fill shall not be placed on archaeological resources within environmentally sensitive areas.~~

~~**DevStd KS22-7:** Development shall be located and constructed in a manner which reduces exterior noise affecting residential units to a maximum of 65 dB.~~

~~**DevStd KS22-8:** If agricultural wells are to be converted for use as a municipal water source, evidence shall be submitted as a part of the Development Plan that water quality meets state and federal standards. Any measures recommended by CCWC or CEHS shall be implemented prior to issuance of a Land Use Permit.~~

~~**DevStd KS22-9:** Development (including fences) shall be not be located within 50 feet of the site's southern boundary with Highway 1. Structures shall not be located within 100 feet of this boundary. Property fences along the Highway 1 corridor must be designed to allow for unobstructed views through the fence (e.g., polecraft fencing). Landscaping within these setbacks shall be designed to accentuate the semi-rural character of the area, and include sufficient densities of trees and shrubs to break up building masses without obstructing primary views north from Highway 1.~~

~~**DevStd KS22-10:** Any subdivision application shall include a landscape, open space management, and habitat protection and restoration plan to be prepared by or under the direction of the Planning and~~

~~Development Department. This plan shall:~~

- ~~— Protect the vernal wetland/grassland complex from urban encroachment;~~
- ~~— Enhance the disturbed vernal wetland/grassland complex immediately adjacent to the existing alignment of Dutard Road;~~
- ~~— Include protection measures, including the installation of fencing, signs, and landscape buffers of appropriate native trees and shrubs;~~
- ~~— Protect and enhance the Orcutt Creek corridor;~~
- ~~— Plant groves of appropriate native trees and stands of shrubs along selected portions of the "banks" and top of bank of Orcutt Creek;~~
- ~~— Restore and enhance selected wetlands areas within the floodplain;~~
- ~~— Install fencing around the most significant wildlife areas and install signs and walkways to help guide public use of these areas and the Orcutt Creek greenway; and~~
- ~~— Provide measures to ensure biological connectivity between Orcutt Creek and the primary drainage coming from the Casmalia Hills.~~

~~**DevStd KS22-11:** Any development within the floodplain shall be sited and designed to minimize the exposure of such development to hazardous or nuisance conditions (e.g., flooded yards) arising from flooding of developed facilities, such as buildings, parks, and parking. Such development shall also be sited and designed to minimize or avoid any increase in the cost, frequency and intensity of channel maintenance activities required to protect these areas from flooding. As part of the application for any development within the floodplain, the developer shall fund a study under the guidance of Flood Control District and the Planning and Development Department to evaluate the effects of project design on downstream floodwater volumes, increases in maintenance, and potential impacts to biological resources within the creek channel. The goal of the study shall be to provide development and modified channel designs which allow the creek system to function in a natural manner (e.g. one which allows meandering and deposition of sediments), in addition to protecting development and the creek's resource values.~~

~~**DevStd KS22-12:** No grading shall occur in the area identified as vernal pools/wetland until the Army Corps of Engineers has made a determination whether a Section 404 permit is needed.~~

~~**DevStd KS22-13:** Any residential development constructed under the RR-20 zone district shall be located outside of productive agricultural land to the greatest degree feasible.~~

~~**Policy KS22-2:** When either 2 000 dwellings have been approved on the other OCP Key Sites or after January 1, 2017, whichever is sooner, the County shall consider redesignating/rezoning Key Site 22 to PD/PRD. The site shall also be considered as a transfer of development credits receiver site if the County has a transfer of development credits program at that time. Key Site 22 shall be developed only subject to a Specific Plan (Government Code §65450). Any proposed development shall comply with the following development standards. (Amended by Resolution No. 01-226, July 10, 2001)~~

~~**DevStd KS22-14:** The Specific Plan shall include the following public dedications and improvements:~~

- ~~A. Three schools sites: a 17-acre junior high school and two 10-acre elementary school sites. To the maximum extent feasible, these school sites shall be located adjacent to developed parkland; and~~
- ~~B. A 40-acre high school site dedicated to the Santa Maria Joint Union High School District if more than 2,000 units are proposed for development; and~~
- ~~C. A one-half acre Fire Station constructed and dedicated to County; and~~

- ~~D. The areas designated "Open Space" in Figure KS22-1 shall be dedicated to the County or other County approved group/agency; and~~
- ~~E. A 15-acre developed regional park in the Santa Maria Airport approach zone adjacent to Oreutt Creek; and~~
- ~~F. 1-2-acre developed neighborhood parks (approximately one-acre park/200-units) distributed appropriately throughout the site; and~~
- ~~G. The Oreutt Creek Class I bike path and hiking trail system depicted on Figure KS22-1 developed to Public Works Department standards with linkage to the parks and schools.~~

~~**DevStd KS22-15:** Compliance with DevStds KS22-1 through -11 shall be demonstrated in the Specific Plan.~~

~~**DevStd KS22-16:** The Specific Plan shall include a phasing plan specifying that development shall occur on the eastern portions of the site (nearest to the existing urban core) first.~~

~~**DevStd KS22-17:** The Specific Plan shall include development of Dutard Road between Black Road and "E" street. Dutard Road shall be aligned as shown on Figure KS22-2.~~

~~**DevStd KS22-18:** The 12-unit/acre or greater density shall be located adjacent to commercial uses, parks and with convenient access to public transportation.~~

~~**DevStd KS22-19:** If a high school site has been dedicated, the Specific Plan shall contain a reimbursement provision to enable the developer of Key Site 22 to obtain funding from other developers in the area to potentially offset the cost of the high school.~~

~~**DevStd KS22-20:** All required affordable housing shall be developed onsite.~~

~~**DevStd KS22-21:** Uses and development in the Flight Approach Zone shall be of lower population density, such as low density residential, parking lots, recreation, and open space.~~

~~**DevStd KS22-22:** Structures and paved surfaces, except paved walkways, bike paths, or interpretive displays, shall not be developed within the open space corridor of the vernal pool/dune complex.~~

~~**DevStd KS22-23:** No structures shall be located within 20 feet of the western site boundary and development in this area shall be screened with extensive landscaping.~~

~~**DevStd KS22-24:** Prior to receiving approval for major (over 50,000 square feet) commercial development, the developer of Site 22 shall submit an economic analysis which assesses potential economic effects of that development on Old Town. This analysis shall include potential current and future draw from Old Town, direct and indirect competing uses, and any other relevant effects which may reduce Old Town's long-term commercial viability. *(See Policy LUC-O-4 and Action LUC-O-4.1)*~~

~~**DevStd KS22-25:** In the environmental analysis for Site 22, the area east of Highway 101 and west of Telephone Road shall be examined as an alternative site for the development proposed for Site 22.~~

KEY SITE 23

~~**Policy KS23-1:** Any proposed development on Key Site 23 shall comply with the following development standards:~~

~~**DevStd KS23-1:** The dune scrub habitat in the southwest corner of this site, the large eucalyptus windrows along Foster Road and California Boulevard., and one or two rows of eucalyptus along the eastern boundary of the site shall remain in natural, undeveloped open space (Figure KS23-1). No development except bike paths, hiking trails, or a park shall be permitted within this open space.~~

~~**DevStd KS23-2:** The County shall work with the City of Santa Maria on the extension of Union Valley Parkway to provide visual screening between the parkway and adjacent residents and to develop and maintain the road as a landscaped parkway.~~

~~**DevStd KS23-3:** The County shall coordinate with the City of Santa Maria on the trail and bikeway system. A Class II bikeway shall be constructed along Union Valley Parkway concurrently with its extension west of Highway 135. Siting and design of the bikeway shall minimize the removal of trees.~~

~~**DevStd KS23-4:** In order to minimize safety hazards, the County should consider the construction of one-story buildings only and a maximum Floor Area Ratio of .30, if feasible, for the area east of California Boulevard, consistent with the Airport Land Use Plan.~~

KEY SITE 24

~~**Policy KS24-1:** Key Site 24 (APN 111 110 012) is designated Residential 20 and zoned DR 20. Affordable housing shall be provided on site in accordance with the the Housing Element Implementation Guidelines Inclusionary Program. Any proposed development on Key Site 24 shall comply with the following development standards.~~

~~**DevStd KS24-1:** Primary access to the site shall be from Goodwin Road or through the extension of Auto Park Road past Goodwin Road to the north side of the parcel, if feasible. The County shall consider granting an easement to this site along the eastern boundary of Waller Park and funding necessary improvements. If determined necessary by Fire Department, an emergency access route may be constructed along the site's existing easement to the east or, if deemed necessary, emergency access could be provided through to the terminus of Stubbs Lane.~~

~~**DevStd KS24-2:** The developer shall construct a pedestrian walkway/crosswalk across the extension of Auto Park Road connecting to Waller Park.~~

~~**DevStd KS24-3:** A landscape screening buffer shall be planted with drought tolerant trees and shrubs along the site's western boundary.~~

~~**DevStd KS24-4:** Development on this site should be compatible with existing adjoining development through the use of appropriate site planning, landscape screening, setbacks and other methods, including design treatment to minimize visual impacts to adjacent single-family residences to the north and south. (Amended by Resolution No. 01 226, July 10, 2001)~~

~~**Action KS24-5:** Due to the availability of open space in the adjacent Waller Park, the County should consider reducing onsite open space requirements, as provided in the DR Zone District, to increase the affordable housing development potential consistent with the Housing Element Implementation Guidelines and the State Bonus Density statute.~~

~~**DevStd KS24-6:** A play area with tot lot shall be provided within the common open space area. (Added by Resolution No. 01 226, July 10, 2001)~~

~~**DevStd KS24-7:** Development of the site shall include pedestrian access to Waller Park from the western boundary of the site. (Amended by Resolution No. 01 226, July 10, 2001)~~

KEY SITE 25

~~**Policy KS25-1:** Key Site 25 (APN 107 070 009, 046, and 109 200 033) is designated General Commercial and zoned C 2. Any proposed development on Key Site 25 shall comply with the following development standards.~~

~~**DevStd KS25-1:** Development of Key Site 25 shall not result in an increase in the amount of natural runoff currently contributed to the Quail Meadows basin, unless it is demonstrated to the satisfaction of Flood Control District that runoff generated on the project site cannot be entirely contained onsite. In~~

~~such an event, the amount and method of conveying such runoff to the basin shall be reviewed and approved by the Flood Control District with input from the Quail Meadows Homeowners Association. If runoff is contributed to the Quail Meadows basin, Site 25 shall pay a proportional share of the maintenance costs of the basin to the Quail Meadows Homeowners Association.~~

~~**DevStd KS25-2:** Vehicular access from Santa Maria Way shall be right in and right out only, unless the developer funds a study of the need for left turns and the study finds left turns feasible. Any improvements to provide left turns into or out of this site on Santa Maria Way shall be wholly funded by the developer. APN 109-200-033 (northern parcel) shall provide access from Santa Maria Way only at the southernmost property line and APN 107-070-009 shall provide access from Santa Maria Way only at the northernmost property line unless a single coordinated access is provided.~~

~~**DevStd KS25-3:** All structures shall be set back a minimum of 25 feet from the pipeline corridor as shown in Figure KS25-1 unless, at the time of development plan submittal, all lines within the corridor have been permanently and properly abandoned as required by the Division of Oil, Gas & Geothermal Resources.~~

~~**DevStd KS25-4:** Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs and vines):~~

~~A minimum 50-foot wide landscaped buffer along Highway 101 with trees which reach heights exceeding 50 feet at maturity in clusters a maximum of every 100 feet (a portion of this buffer may be developed in an easement secured from the California Department of Transportation, with a minimum of 20 feet of this buffer located on the project site);~~

~~An average 35-foot wide landscaped buffer along Santa Maria Way with trees which reach a minimum height of 35 to 50 feet at maturity with a sufficiently large canopy to partially extend over the roadway;~~

~~A minimum 15-foot wide landscaped planter strip along the entire western project boundary fronting College Drive and Santa Maria Way to soften views of new buildings and to break up, and at a minimum, partially obscure building masses;~~

~~Attractively landscaped pedestrian entries from adjacent roadways including attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the center's own internal pedestrian circulation;~~

~~Raised landscaped berms and/or decorative masonry walls incorporated into these buffer strips to supplement the screening provided by vegetation;~~

~~Fast growing vines and shrubs planted along all screening walls; and~~

~~A minimum 25-foot landscaped buffer shall be provided on the northern border of the site to reduce noise, light and other impacts to the residences to the north.~~

~~**DevStd KS25-5:** The developer shall fund and install a landscaped center median along Santa Maria Way extending the entire length of the site's frontage with this road. The entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size at maturity and spacing to provide a partial canopy over Santa Maria Way. The owner/developer shall be responsible through a bond for maintenance of the median plantings for three years or until such a time as the County adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.~~

~~**DevStd KS25-6:** Development of the site shall be consistent with the "gateway policies" in the Visual Resources section of this plan (Section IV. H).~~

KEY SITE 26

~~**Policy KS26-1:** Key Site 26 is designated General Commercial, Office and Professional, and PD and zoned C 2. Any proposed development on Key Site 26 shall comply with the following development standards:~~

~~**DevStd KS26-1:** Any development application must be consistent with an approved Specific Plan. The currently approved Specific Plan (Figure KS26-2) may be used to satisfy this requirement.~~

~~**DevStd KS26-2:** Any new Specific Plan shall include only commercial uses north of UVP (excluding the open space area), commercial uses fronting UVP and Hwy. 135, office and professional uses on up to 5 acres south and east of the commercial uses and residential development to the south of the site (see Figure KS26-3).~~

~~**DevStd KS26-3:** Development of the site shall include installation of the following landscaping features (consisting of drought tolerant trees, shrubs and vines):~~

~~An average 35 foot wide landscaped buffer along Highway 135 with trees which reach heights exceeding 50 feet at maturity in clusters a maximum of every 100 feet (some of this buffer may be developed in an easement secured from the County, with a minimum of 20 feet of this buffer located on the project site);~~

~~An average 35 foot wide landscaped buffer along Union Valley Parkway with trees which reach a minimum height of 35-50 feet at maturity with a sufficiently large canopy to partially extend over the roadway;~~

~~A minimum 15 wide foot landscaped planter strip along the site's north, east and south boundaries to soften views of new buildings and to break up, and at a minimum, partially obscure building masses;~~

~~Attractively landscaped pedestrian entries from adjacent roadways including attractive "stamped concrete" or other treated surface walkways linking existing sidewalks/paths with the center's own internal pedestrian circulation;~~

~~Raised landscaped berms and/or decorative masonry walls incorporated into these buffer strips to supplement the screening provided by vegetation;~~

~~Fast growing vines and shrubs planted along all screening walls; and~~

~~Existing trees shall be preserved and incorporated in the project design, where feasible.~~

~~**DevStd KS26-4:** The developer shall fund and install a landscaped center median along Union Valley Parkway as deemed necessary by the Public Works Department and the Planning and Development Department. The entire length of the center median shall be landscaped with drought tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size at maturity and spacing to provide a partial canopy over Union Valley Parkway. The owner/developer shall provide financial security for maintenance of the median plantings for three years or until such a time as the County adopts a landscape maintenance district or other method for median maintenance, whichever occurs first.~~

~~**DevStd KS26-5:** Where feasible, existing trees shall be retained for their screening and visual character.~~

KEY SITE 27

~~**Policy KS27-1:** Key Site 27 is designated Residential 3.3 and zoned DR 3.3. Any proposed development on Key Site 27 shall comply with the following development standards.~~

~~**DevStd KS27-1:** The area within the Airport "No Build" zone and the grove of eucalyptus trees on the western portion of the site shall remain in natural, undeveloped open space.~~

~~**DevStd KS27-2:** Project landscaping shall include raised landscaped berms and other screening features along the site's frontage with Union Valley Parkway. Such landscaping shall not include solid masonry walls. The developer shall be responsible through a bond for the maintenance of the Union Valley Parkway frontage landscaping for a period of three years or until a maintenance district or other mechanism is formed, whichever is sooner. Eucalyptus trees onsite should be retained in the project development.~~

~~**KEY SITE 28** (dropped from consideration)~~

~~**KEY SITE 29**~~

~~**Policy KS29-1:** Key Site 29 is designated Residential 4.6, and zoned 7 R 1 west of Hummel Drive and DR 4.6 east of Hummel Drive. Any development proposed on Key Site 29 shall comply with the following development standards:~~

~~**Policy KS29-2:** The County shall consider zoning APN 107 270 012 to 7 R 1 (with a maximum buildout of 24 residences) only if:~~

- ~~A. The property owner has entered into an agreement to provide funding for the preservation of natural resources located within adjacent or nearby public recreation areas; and~~
- ~~B. Prior to rezone, easements necessary to complete Hummel Drive across Key Site 29 shall be dedicated to the County. The width and alignment of required easements shall be determined by the Public Works Department.~~

~~**DevStd KS29-1:** The area within the No Build Zone in the northeast corner of the site as shown on Figure KS29 1 shall remain in natural, undeveloped open space.~~

~~**DevStd KS29-2:** Non-native trees with a diameter of 25 inches or greater at a height of 48 inches on APN 107 27 012 shall be incorporated into project design to the greatest extent feasible. Where demonstrated infeasible, trees shall be replaced at a 3 to 1 ratio using native tree species.~~

~~**DevStd KS29-3:** Any development shall be designed to maximize compatibility with nearby agricultural and/or recreational uses. Items for consideration shall include but not be limited to: 1) appropriate setbacks and landscape buffers to minimize conflicts with adjacent agricultural and/or recreational uses; and 2) pedestrian and vehicular access between Hummel Drive and any adjacent recreational uses.~~

~~**KEY SITE 30**~~

~~**Policy KS30-1:** Key Site 30 is designated/zoned A I/AG I 40. Any proposed development on Key Site 30 shall comply with the following development standards:~~

~~**DevStd KS30-1:** Residential and/or recreational development shall occur only in the northeast corner (11.9 acres) and the southwest corner (7.7 acres), the southeast corner (9.3 acres), and the northwest 7.6 acres as shown on Figure KS30 1. The remainder of the site shall remain in passive open space.~~

~~**DevStd KS30-2:** No uses or development shall be allowed in sensitive habitat areas as shown on Figure KS30 1, with the exception of a multi-use trail. Low intensity recreational uses that don't involve extensive changes to the natural terrain or vegetation (such as passive parks, riding stables and trails, but not golf courses, swim clubs, etc.) may be allowed in the remainder of the open space area. All such recreation facilities shall be sited and designed to avoid removal of dune scrub vegetation to the maximum extent feasible.~~

~~**DevStd KS30-3:** Runoff from this site shall be directed to the greatest extent feasible to the regional~~

basin located to the northwest (see Regional Retention Basin K on Figure 35). If a retention basin is located on Key Site 30, it shall be located in an area of the site lacking sensitive habitat.

~~**DevStd KS30-4:** The developer shall construct a multi-use pedestrian trail which shall enter the parcel along the eastern perimeter and traverse the parcel along the central drainage area in a southeast to northwest direction (Figure KS30-1). Additional public trail access to the interior from Bradley Road shall be provided by the access road. The trail's entry from Bradley Road shall be linked to a transit stop, if feasible. Signs shall be placed along this trail informing users of the biological sensitivity of the surrounding sand dune ecosystem.~~

~~**DevStd KS30-5:** Access to the northeastern portion of the site shall be limited to one intersection along Bradley Road which shall be aligned with Village Drive. Access to the southwest portion of the site shall be limited to Cherry Avenue.~~

~~**DevStd KS30-6:** Development of the site shall include installation of a minimum 15-foot wide landscaped buffer along the eastern boundary of the site bordering Bradley Road. The buffer shall be landscaped with drought-tolerant trees and shrubs with a minimum of one large, screening tree every 25 feet. Trees shall be planted along Bradley Road which grow to a minimum height of 35 to 50 feet with a sufficiently large canopy to partially extend over the roadway.~~

~~KEY SITE 31~~

~~**Policy KS31-1:** Key Site 31 (APN 103-031-01) is designated Residential 8.0 and zoned DR 6.0. Any proposed development on Key Site 31 shall comply with the following development standards.~~

~~**DevStd KS31-1:** Landscaping shall incorporate and provide for regeneration of existing specimen pine and palm trees along the northern, eastern, and southern site boundaries.~~

~~**DevStd KS31-2:** A minimum 25-foot wide landscaped berm shall be provided along the site's western boundary.~~

~~KEY SITE 32~~

~~**Policy KS32-1:** Key Site 32 is designated Residential 3.3 and zoned DR 3.3 with a maximum potential buildout of 16 residential units. Any proposed development on Key Site 32 shall comply with the following development standards:~~

~~**DevStd KS32-1:** As part of any development onsite, the developer shall contribute fees to the construction of a landscaped median along Santa Maria Way; or, if a median is not constructed on Santa Maria Way, funds shall be contributed to improving the medians on Bradley Road. The entire length of the center median shall be landscaped with drought-tolerant street trees, shrubs, groundcover and decorative flatwork acceptable to the Public Works Department and the Planning and Development Department, or shall be consistent with the standard established by the landscape/median maintenance district. Trees shall be of sufficient size at maturity and spacing to provide a partial canopy over Santa Maria Way.~~

~~**DevStd KS32-2:** Any development application shall include requests for the appropriate land division to separate residential uses from existing non-residential uses.~~

~~**DevStd KS32-3:** Where daycare facilities already exist onsite, the Board shall assist in the expansion of these facilities to the greatest degree feasible. This assistance could include expedited processing, reduction in fees, or any other means the Board deems feasible.~~

~~KEY SITE 33~~

~~**Policy KS33-1:** The Ikola parcels (APN 107-150-19 and -018), the Blackenburg parcel (APN 107-150-013), and the Armstrong parcels (APN 107-150-007, -015, -016) are designated Highway~~

~~Commercial/CH. All other parcels are designated Agriculture II and zoned AG II 100. Any proposed development on Key Site 33 shall comply with the following development standards.~~

~~**DevStd KS33-1:** Development and/or a change in agricultural uses on Key Site 33 should not increase storm runoff to basins off site. If storm runoff cannot be entirely contained onsite, the amount and method of conveying such runoff to other basins shall be reviewed and approved by the Flood Control District under agreement with the owners of those basins. If runoff is contributed to other basins, the owners of responsible parcels on Site 33 shall pay a proportional share of the maintenance costs of the basin(s) to the owners.~~

~~**DevStd KS33-2:** Onsite retention basin(s) and adequate downstream conveyance systems as specified by Flood Control District shall be required to reduce flooding impacts from non agricultural development of the site.~~

~~**DevStd KS33-3:** Any new non agricultural development in close proximity to Highway 101 or the frontage road shall include a 50 foot wide landscaped buffer along the western boundary. The buffer shall include sufficient plantings of drought tolerant and/or native trees and shrubs to screen parking areas and "break up" building masses. The landscaping shall incorporate trees reaching a minimum height of 35 feet at maturity.~~

~~**Action KS33-4:** When a full diamond interchange (as defined by California Department of Transportation) for Union Valley Parkway and Highway 101 is funded and timing is established, the County may consider a redesignation and a rezone of one or more of the Jantz parcels (APNs 107 240 027, 028, 029) to Highway Commercial/CH.~~

~~KEY SITE 34~~

~~**Policy KS34-1:** Key Site 34 (APN 107 250 014 and 107 250 015) is designated Residential 8.0 and zoned DR 6 with a potential buildout of 12 dwelling units on the southern parcel (APN 107 250 014). Any proposed development on Key Site 34 shall comply with the following development standards.~~

~~**DevStd KS34-1:** To reduce visual impacts, a landscape plan shall provide for a minimum 25 foot wide buffer of drought tolerant landscaping along the southern and western borders of the site and the preservation of existing specimen trees.~~

~~**DevStd KS34-2:** Where daycare facilities already exist onsite, the Board shall assist in the expansion of these facilities to the greatest degree feasible. This assistance could include expedited processing, reduction in fees, or any other means the Board deems feasible.~~

~~KEY SITE B~~

~~**Policy KSB-1:** Key Site B is designated Residential 1.0 and zoned 1 E 1 on APNs 103 200 020, 056, 079, 080, 084, 085, 088, 089, 090 and 091; Residential 1.0 and zoned 2 E 1 on APNs 103 200 056, 057, 058, 059, 060, 064, 065, and 074; and designated Residential 0.3 and zoned 3 E 1 on APNs 103 200 048, 052, 055, 086, and 087. The County shall consider redesignating/rezoning APN 103 200 065 to Residential 1.0/1 E 1 if access to all new development on this parcel is provided from the south (on Key Site 7). Any proposed development on Key Site B shall comply with the following development standards.~~

~~**DevStd KSB-1:** The area extending along Oreutt Creek, including the riparian corridor and associated woodlands as well as the woodlands in the southwestern corner of the site, shall remain in natural, undeveloped open space (Figure KSB 1). No development except flood control/emergency access, bikepaths, hiking trails, roads and the existing bridges, or a park shall be permitted within this open space and no structures except the trail and/or bikepath shall be permitted within 100 feet of the top of the creek bank. The 100 foot setback shall be delineated by a low fence and plantings of native trees and shrubs as a condition of any development project.~~

~~**DevStd KSB-2:** Development on the parcels south of Oreutt Creek shall be reviewed for adequate access. If deemed necessary by the Flood Control District, the Public Works Department, and the Planning and Development Department, the existing bridges and/or creek crossings across Oreutt Creek shall be reinforced or reconstructed. Plans for reinforcement or reconstruction shall be submitted for review by the Planning and Development Department and the Public Works Department. The County shall work with the developer on appropriate reimbursement agreements with other owners. Any development located south of the creek shall utilize existing bridges or culverts to the maximum extent feasible, and if additional crossings are required, bridges, rather than culverts, shall be used to the maximum extent feasible. All new bridges and/or culverts shall be sited and designed to minimize potential for sediment accumulation, debris plugs, removal of native trees and shall be sized to adequately permit the passage of sediment and debris, as well as wildlife.~~

~~**DevStd KSB-3:** Development on Key Site B shall coordinate east-west through access with Key Sites 5 and 8. A minimum of one emergency access (e.g., gates with Knox locks) shall be provided on the site's eastern and western boundaries if no through road access is provided between Key Site B and adjacent Key Sites (Sites 5 & 8).~~

~~**DevStd KSB-4:** If feasible, access to the southern portion of this site shall be coordinated with/provided through Key Site 7.~~

~~**DevStd KSB-5:** If feasible, the sewer trunk line easement should double as a trail easement and the trail constructed over the areas disturbed by the sewer line.~~

~~**DevStd KSB-6:** To facilitate the acquisition of a public trail easement and to protect the resources of Oreutt Creek, parcels in Key Site B shall be allowed to transfer the development credits off-site through a transfer of development credits program.~~

~~**DevStd KSB-7:** In order to facilitate through access between Key Sites 8 and B along Olive Hill Road, the County shall consider rezoning APN 103-200-020 to PRD (maximum 10 units) if the application for rezone includes the provision of such through access.~~

~~KEY SITE C~~

~~**Policy KSC-1:** Key Site C is designated Residential 1.0 and zoned 1 E 1. Any proposed development on Key Site C shall comply with the following development standards.~~

~~**DevStd KSC-1:** The area along Oreutt Creek shall remain in natural, undeveloped open space (Figure KSC 1). New structures shall be located outside of the floodway, and where feasible, outside of the floodplain.~~

~~**DevStd KSC-2:** All development shall be located on the north side of Oreutt Creek unless it would deny reasonable use of a property. Any development located south of the creek shall utilize existing bridges or culverts to the maximum extent feasible. All new bridges and/or culverts shall be sited and designed to minimize potential for sediment accumulation, debris plugs, removal of native trees and shall be sized to adequately permit the passage of sediment and debris, as well as wildlife.~~

~~**DevStd KSC-3:** Development on the site shall use existing driveways along Clark Avenue. Where feasible, driveways shall be shared by adjoining properties. No new access points/driveways shall be constructed off Clark Avenue, unless this would preclude reasonable use of a parcel.~~

~~**DevStd KSC-4:** To the greatest degree feasible, any development on APN 103-740-14 shall accommodate a trail, as shown on Figure KSC 1.~~

~~KEY SITE D~~

~~**Policy KSD-1:** Key Site D is designated Residential 1.0 and zoned 1 E 1 on APNs 105-010-028, 032,~~

~~040, 041, 071, and 074, and designated Residential 0.3 and zoned 3 E 1 on APNs 105 010 029, 031, 033, 036, 037, 038, 039, 043, and 072. Any proposed development on Key Site D shall comply with the following development standards.~~

~~**DevStd KSD-1:** The area extending 200 feet to each side of the creek top of bank shall remain as natural, undeveloped open space, and no development except the Class I bike path/multi-use trail and the future sewer trunk line shall be permitted within the open space.~~

~~**DevStd KSD-2:** At the time of development application, the County shall determine whether an easement across the riparian corridor for use as a hiking trail and bike path can be acquired. If this easement cannot be acquired, the trail should be located within the right of way along Highway 1.~~

~~**DevStd KSD-3:** As long as Key Site 22 remains zoned in a district which allows agricultural operations (e.g., residential ranchette) any future residential structures located along the western portion of Solomon Road (adjacent to Site 22) shall be set back at least 100 feet from the western property boundaries, and shall include all other feasible measures which serve to avoid and/or minimize conflicts between agricultural operations and new residential uses within the boundaries of this rezone. Such other measures may include, but shall not be limited to, the notification of prospective residential property buyers, prior to sale or contract for sale, that agricultural uses exist in the immediate area, and the inclusion of recorded easements, deed stipulations, or other instruments which guarantee that nuisance actions shall not be brought by the residential users against the agricultural operators.~~

~~**DevStd KSD-4:** Future development³ of lands planned and zoned for residential densities of 0.33 or more units per acre (e.g., 1 E 1 and 3 E 1) shall be served by public sewers. An exception to this standard may be granted where the County can make all of the following findings:~~

- ~~1. The application is for the two-way division of a lot legally created prior to March 2, 1987, and both resultant lots would contain a gross area of at least one acre;~~
- ~~2. Public sewer service to the property would not be feasible⁴ during the time legally allowed for map recordation, including any permissible time extension(s);~~
- ~~3. All septic systems on the property shall comply with all customary County requirements and standards, to the satisfaction of County Environmental Health Services Division.~~

~~In any case where this exception is granted, the project shall be conditioned such that: no further division of the property shall be permitted until such time as public sewer service becomes feasible; and, all existing and new structures served by septic systems shall be required to connect to public sewers as soon as service becomes feasible.~~

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³ For the purpose of this Standard, "development" does not include the construction of a primary single family dwelling on a lot legally created prior to March 2, 1987, nor to development which can be accommodated by an existing private sewage disposal (septic) system and permitted by the County without discretionary action, in compliance with applicable regulations and policies.

⁴ For the purpose of these Development Standards, "feasible" means "capable of being accomplished in a successful manner, taking into account economic, environmental, legal, and technological factors." The Orcutt "Ranchette Area" is within the Laguna County Sanitation District, and it is the responsibility of the project applicant to provide a compelling factual demonstration that service would not be "feasible" under finding e.ii.

KEY SITE E

~~**Policy KSE-1:** Key Site E is designated/zoned Residential 1.8/20 R-1 east of the western boundary of Lorraine Estates (TM 14,282) with the remainder of the site designated/zoned Residential 1.0/1 E-1. Any proposed development on Key Site E shall comply with the following development standards.~~

~~**DevStd KSE-1:** To the greatest degree feasible, the existing eucalyptus windrows shall be preserved where they would not preclude reasonable use of a parcel.~~

~~**DevStd KSE-2:** Future development⁵ of lands planned and zoned for residential densities of 0.33 or more units per acre (e.g., 1 E-1 and 3 E-1) shall be served by public sewers. An exception to this standard may be granted where the County can make all of the following findings:~~

- ~~1. The application is for the two-way division of a lot legally created prior to March 2, 1987, and both resultant lots would contain a gross area of at least one acre;~~
- ~~2. Public sewer service to the property would not be feasible⁶ during the time legally allowed for map recordation, including any permissible time extension(s);~~
- ~~3. All septic systems on the property shall comply with all customary County requirements and standards, to the satisfaction of County Environmental Health Services Division.~~

~~In any case where this exception is granted, the project shall be conditioned such that: no further division of the property shall be permitted until such time as public sewer service becomes feasible; and, all existing and new structures served by septic systems shall be required to connect to public sewers as soon as service becomes feasible.~~

~~**DevStd KSE-3:** As long as Key Site 22 remains zoned in a district which allows agricultural operations (e.g., residential ranchette), any future residential structures located along the western portion of Solomon Road (adjacent to Site 22) shall be set back at least 100 feet from the western property boundaries, and shall include all other feasible measures which serve to avoid and/or minimize conflicts between agricultural operations and new residential uses within the boundaries of this site. Such other measures may include, but shall not be limited to, the notification of prospective residential property buyers, prior to sale or contract for sale, that agricultural uses exist in the immediate area, and the inclusion of recorded easements, deed stipulations, or other instruments which guarantee that nuisance actions shall not be brought by the residential users against the agricultural operators.~~

KEY SITE F

~~**Policy KSF-1:** Key Site F is designated Residential Ranchette and zoned RR-5. Any proposed urban~~
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~~—5 For the purpose of this Standard, "development" does not include the construction of a primary single family dwelling on a lot legally created prior to March 2, 1987, nor to development which can be accommodated by an existing private sewage disposal (septic) system and permitted by the County without discretionary action, in compliance with applicable regulations and policies.~~

~~—6 For the purpose of these Development Standards, "feasible" means "capable of being accomplished in a successful manner, taking into account economic, environmental, legal, and technological factors." The Orcutt "Ranchette Area" is within the Laguna County Sanitation District, and it is the responsibility of the project applicant to provide a compelling factual demonstration that service would not be "feasible" under finding e.ii.~~

development on Key Site F shall comply with the following development standards.

~~**DevStd KSF-1:** The area extending 100 feet from the top of the creek bank as shown in Figure KSF-1 shall remain in natural, undeveloped open space, and no development except the proposed flood control/emergency access route/ multi use trail shall be permitted within the open space. The multi use trail shall be located a minimum of 50 feet from top of creek bank.~~

~~**DevStd KSF-2:** All development, including but not limited to roads, parking, and walls shall be setback a minimum of 100 feet from the top of the creek bank. These setbacks shall be revegetated with appropriate native species depicted on a landscape/ revegetation plan.~~

~~**DevStd KSF-3:** In order to minimize grading, development should utilize existing and/or shared access roads where feasible.~~

KEY SITE G

~~**Policy KSG-1:** Key Site G is designated Residential 4.6 zoned DR 4.6, which will allow for a potential buildout of 25 units to be clustered on the northern 5.5 acres of the entire site. Any proposed development on Key Site G shall comply with the following development standards.~~

~~**DevStd KSG-1:** Due to access constraints and the size of the parcels, density should be no greater than 4.6 units per acre. However, if the three parcels are planned together, provide a single access to Foster Road, and provide affordable housing onsite, the County shall consider granting a 50% density bonus consistent with the County's Housing Element Guidelines.~~

~~**DevStd KSG-2:** If residential development is proposed on any of the parcels, the owner shall concurrently apply for a land division to separate the residential development from the existing uses.~~

~~**DevStd KSG-3:** If the existing uses are retained on the site, access to the northern portion of the parcels shall be provided through one coordinated access and/or an extension of Tilia Street.~~

~~**DevStd KSG-4:** If one or more of the existing uses are abandoned and residential development is proposed along Foster Road, a 25 foot wide drought tolerant landscaping buffer shall be provided along the road.~~

~~**DevStd KSG-5:** If a density bonus is granted to this site, a landscape buffer shall be provided on the east, north and west.~~

~~**DevStd KSG-6:** Where daycare facilities already exist onsite, the Board shall assist in the expansion of these facilities to the greatest degree feasible. This assistance could include expedited processing, reduction in fees, or any other means the Board deems feasible.~~

KEY SITE H

~~**Policy KSH-1:** Key Site H (APN 107 240 025) is designated Residential 8.0 and zoned DR 8.0 with a maximum buildout of 26 residential units. As long as the existing school and residence remain, maximum buildout shall be eight residential units located in the southern area of the site between existing development and Foster Road. Any proposed development on Key Site H shall comply with the following development standards:~~

~~**DevStd KSH-1:** Concurrent with any development plan application, the owner shall apply for a land division to separate the existing house and school from new residential development.~~

~~**DevStd KSH-2:** An acoustical analysis which demonstrates that all development can be sited and designed to reduce interior and exterior noise levels from Highway 101 to below County thresholds shall be required prior to consideration of any residential development.~~

~~**DevStd KSH-3:** The developer shall construct a sound barrier between the site and Highway 101. This barrier should be an earthen berm with appropriate landscaping of drought tolerant trees and shrubs. However, the barrier may be a combination wall and berm as long as the exposed portion of the wall does not exceed 50 percent of the total height of the barrier. The total height of the barrier should not exceed the height of barriers adjacent to the site to the north and south on Highway 101 and shall contain compatible masonry.~~

~~**DevStd KSH-4:** The developer shall consult with Public Works Department to determine the feasibility of abandonment of the road to the east of property as a means of providing additional noise buffering (e.g., berms) between the project site and Highway 101.~~

~~**DevStd KSH-5:** The design, scale and character of the project shall be compatible with neighboring development. Landscaped buffer areas along project perimeters (except Highway 101) shall include decorative masonry walls and/or landscaped berms to provide additional screening. All buffer and/or screening walls shall be planted with fast growing vines and shrubs along the base.~~

~~**DevStd KSH-6:** Any future residential development onsite shall include dedication of an easement for and construction of a multi-use public trail along the US Hwy 101 right of way connecting with the frontage road or Cedarhurst to the north and the private trail to the south. Any abandonment of r.o.w. along Highway 101 shall provide an easement for this trail.~~

~~**DevStd KSH-7:** Project design shall ensure that no garage door openings are visible from Highway 101.~~

~~KEY SITE EVG~~

~~**Policy EVG-1:** Key Site EVG is designated General Commercial and zoned C 2. Any proposed development on Key Site EVG shall comply with the following development standards:~~

~~**DevStd EVG-1:** Site design shall incorporate drains designed to convey stormwater flow from developed areas to the east at an adequate rate to avoid localized flooding at the Lakeview/Highway 135 intersection. The areas which drain to Winter Road shall be re-graded, or storm drains installed in such a manner that runoff from the site is intercepted prior to entering the roadway, and conveyed directly to the Lakeview Storm Drain, or an alternative solution acceptable to the Flood Control District. Final plans for these improvements shall be subject to review by the Flood Control District.~~

~~**DevStd EVG-2:** The developer shall install a soundwall and trees on the eastern site boundary to buffer the site from existing residences.~~

~~**DevStd EVG-3:** Improvement of the shopping center's signage shall be part of any development proposal for the site.~~

~~**DevStd EVG-4:** If the owner/developer submits a development application for demolition and/or redevelopment of the center, the County shall consider abandonment of the segment of Orcutt Road fronting the site and shall work with the California Department of Transportation on options to provide direct roadway access from Highway 135.~~

~~KEY SITE OAK~~

~~**Policy OAK-1:** Key Site OAK is designated Existing Public or Private Recreation and/or Open Space and zoned REC. Any proposed development on Key Site OAK shall comply with the following development standards:~~

~~**DevStd OAK-1:** No play areas shall be located within 25 feet of the western or southern site boundaries.~~

~~**DevStd OAK-2:** Development of the park shall not result in modification of the existing configuration of sub-basins and spillways between the basins. Development plans shall be subject to review by the Flood Control District.~~

~~DevStd OAK-3:~~ Project design shall incorporate features such as fencing and signage to restrict or discourage access to the lowest level area during storms and periods of inundation.

~~DevStd OAK-4:~~ The Park Department shall investigate an on-street parking control program which may include no parking zones, limited time parking, and/or a parking permit system to minimize on-street parking conflicts with adjoining neighborhoods.

~~DevStd OAK-5:~~ The park shall be closed from sunset to sunrise.

KEY SITE YMCA

~~Policy YMCA-1:~~ Key Site YMCA (APN 111-100-004) is designated REC-OS and zoned REC. Any proposed development on Key Site YMCA shall comply with the following development standards.

~~DevStd YMCA-1:~~ Site design shall include measures to ensure that stormwater runoff does not exceed existing levels, unless the Flood Control District issues a letter stating that the system can accept the additional runoff without adversely impacting the system. Final plans for improvements shall be subject to review by the Flood Control District.

~~DevStd YMCA-2:~~ A can and will serve letter from the City of Santa Maria's Wastewater Treatment facility shall be required prior to project approval.

~~DevStd YMCA-3:~~ The County shall explore methods of pedestrian, bike and vehicular connection between the recreational/park areas around the YMCA to reduce vehicle trips.

Visual Resources

- ~~A. — Development adjacent to designated natural open space. — All development including buildings, understories, fences, water tanks and retaining walls adjacent to designated natural open space areas shall be sited and designed to protect the visual character of these areas and blend in with natural landforms through the use of methods including setbacks, building orientation, materials and colors (earth tones and non reflective paints), landscape buffers, shielded exterior lighting, screening of parking areas and inclusion of perimeter roads to allow maintenance of open space corridors. (VIS-O 1.1)~~
- ~~B. — View corridor and viewshed preservation. — Development shall be sited and designed to minimize disruption of important public view corridors and viewsheds through building orientation, minimization of grading on slopes, landscaping and minimization of sound walls. (VIS-O 2.1)~~
- ~~C. — Bluff top and canyon wall residential height limit. — New homes on lots on the edge of bluff tops and canyon walls along significant open space/view corridors shall be of single story or partial second story design to minimize impacts to public view corridors (i.e., public roads, trails, etc.) (VIS-O 2.2)~~
- ~~D. — Orcutt Hills projects. — All projects in the Orcutt Hills (e.g., sites 6, 7, 12 and 14) shall utilize a combination of perimeter landscaping, the planting of street trees and other trees, and other design techniques to screen new homes from the community while minimizing disruption of views through to the Solomon Hills. (VIS-O 2.3)~~
- ~~E. — Landscaped frontage buffers. — Development shall be sited and designed with adequate street frontage building setbacks to allow an average 35 foot landscaped buffer containing sufficient plantings of major trees and shrubs to obscure parking areas from public view and to "soften" building masses. (VIS-O 3.1)~~
- ~~F. — Sound walls. — Sound wall construction shall be minimized through the alternative use of landscaped berms for noise reduction. (VIS-O 3.3)~~
- ~~G. — Trash enclosure location. — Trash enclosures shall be located outside of public view to the maximum extent feasible. (VIS-O 3.4)~~

- ~~**H. Sign design.** Rural type design signs (e.g., wooden, natural colors) shall mark the entrance/exit to Orcutt, and where appropriate, shall identify the route to Old Town Orcutt. (VIS O 3.5)~~
- ~~**I. Gateway lot development.** Lots along primary entryways into Orcutt are designated as "Gateway" lots (Key Sites 1, 2, 3, 14, 15, 21, 22, 25 and part of 18). These gateway parcels shall be developed in a manner that preserves the semi-rural character and provides an inviting and visually pleasing entrance to the community. (VIS O 3)~~
- ~~**1. Median strips.** Developers of gateway parcels shall fund and construct median strips along designated gateway roads (i.e., Clark Ave., Santa Maria Way, Union Valley Parkway) that include landscaping with low maintenance trees, shrubs, and groundcover designed to minimize obstruction of views by motorists, bicyclists, and pedestrians. The developer shall be reimbursed by other benefited owners in accord with the Infrastructure Fee Study. (VIS O 3.6)~~
- ~~**2. BAR review of gateway parcel development.** Development on gateway parcels shall be subject to review by the Board of Architectural Review and/or the Orcutt BAR. (VIS O 3.7)~~
- ~~**J. Detention basin fencing and landscaping.**~~
- ~~**1.** Public and private stormwater systems (recharge, retention, and retardation basins, culverts, channels, etc.) shall be designed and maintained to be visually attractive. (Policy VIS O 4)~~
- ~~**2.** Basins shall be engineered so that perimeter fencing is minimized. Where required, perimeter fencing shall be unobtrusive (while minimizing interference with wildlife movement on rural parcels). Perimeter landscaping of basins shall consist of low maintenance trees, shrubs, turf, etc., and on public basins should be designed to accommodate recreational uses where appropriate. Landscaping and fencing within basins should be maintained through a Landscape Open Space Maintenance District. (VIS O 4.1)~~
- ~~**K. Outdoor lighting.**~~
- ~~**1. Outdoor lighting adjacent to residential.** Night lighting fixtures adjacent to residential areas shall be of the minimum height and intensity required for security/safety. (VIS O 6.3)~~
- ~~**2. Commercial and industrial outdoor lighting.** All exterior lighting features used within 100 feet of residential areas, designated Open Space areas and surrounding biologically sensitive areas shall be directed away from adjacent units and habitat. Hoods shall be installed on lighting fixtures to prevent "spill over" into adjacent residences and habitat areas when deemed necessary by the Planning and Development Department. Decorative lighting shall utilize low intensity sources. (LUC O 5.3)~~
- ~~**L. Commercial and industrial structure design.** Rooftop mechanical structures shall be minimized. Where they cannot be avoided (e.g., vents, air conditioning, etc.), they shall be shielded from view from surrounding roadways and residences through architectural design, camouflage housing, or other appropriate methods. (LUC O 5.1)~~
- ~~**M. The County shall encourage development which preserves the character of existing neighborhoods, particularly as to key natural undeveloped open space preservation, traffic safety on local roads and preservation of important natural features.** Where a proposed development project requires redesignating the property to a density exceeding that of all contiguous residential parcels by more than 50 percent, the County may consider reducing the proposed density or denying the project in order to prevent a substantial deterioration of these factors. (Action LUR O 4.1)~~

Wastewater Facilities

- ~~**A. Identification of sewage disposal facilities.** Prior to the discretionary approval of new development, the~~

developer shall identify all additional facilities required to adequately collect, convey, treat and dispose of the sewage effluent from the development. (WW O 2.1)

B. ~~Can and Will Serve letters.~~

- ~~1. At the time of discretionary approval, the County shall condition recordation of the final map or issuance of Land Use Permits on provision of an adequate "can and will serve" letter from the Laguna County Sanitation District. (WW O 2.2)~~
- ~~2. A "can and will serve" letter from the Laguna County Sanitation District will be found adequate for recording of maps or issuance of land use permits (including permits for development of preexisting lots) only if the letter demonstrates:

 - ~~a. The Laguna County Sanitation District's effluent, including the effluent from the proposed project, will not exceed the discharge standards established by the Regional Water Quality Control Board;~~
 - ~~b. Adequate disposal capabilities exist at the plant or through agreement with the City of Santa Maria (providing that treatment and disposal by the City does not further degrade the underlying groundwater quality) to serve the projects; and~~
 - ~~c. Existing or planned and funded transmission lines have available capacity to serve the projects. (WW O 2.3)~~~~

C. ~~Timing of installation.~~ Prior to final inspection, adequate collection, transmission, treatment and disposal facilities to serve the development must be operational. (WW O 2.4)

D. ~~Reduction of site specific discharge.~~ All new commercial and industrial development that will contribute grease, oils, and/or chemicals to wastewater flows shall be fitted with onsite filtration consisting of charcoal filters or other methods approved by the Laguna County Sanitation District to reduce site specific discharge of these substances. (WW O 3.1)

E. ~~Siting and construction of sewage treatment facilities.~~ Siting and construction of a new or expanded sewage treatment facility and associated ponds and/or spraying grounds and sewer trunk line extensions shall avoid important natural resources and should be based on results of sensitive species surveys. Facilities shall be constructed a minimum distance of 50 feet from the edge of riparian, marsh and wetland areas and shall avoid amphibian retreat areas. Sewer trunk lines should be placed under or adjacent to roads, bike paths or trails, not within creeks or wetland areas. (BIO O 5.5)

Water Supply

A. ~~Application requirements.~~ Prior to discretionary action by any County review authority on new development, the applicant shall provide one of the following:

- ~~1. A "can and will serve" letter from California Cities Water Company dated before July 1997;~~
- ~~2. An "intent to serve" letter from California Cities Water Company or other water purveyors including draft contracts, if any, demonstrating to the County's satisfaction that the development's net water demand will be offset by a long term supplemental water supply and that the development will have a continuing right to obtain water equal to that of the water purveyor's other customers. Contracts, if any, must include terms consistent with the requirements of Subsection B, below. (WAT O 2.1)~~

B. ~~Application requirements for water adequacy.~~ Prior to discretionary action on new development, the applicant must demonstrate adequacy of the water supply proposed to serve the project, unless the applicant has satisfied the requirements in Subsection A.1 above. This demonstration shall be based on

the following information, which must be provided prior to application completeness:

1. Resources.

- a. Provide information on project's projected gross and net demand for water. The supplemental water supply must offset the project's net water demand.
- b. Documentation of the reliability of the proposed water supply as projected by the Department of Water Resources (for State Water) and confirmed by the County Water Agency.
- c. A description of how the project will be served during drought periods. If conjunctive use of the Santa Maria Groundwater Basin is planned, demonstration that use of the basin will not contribute to long term groundwater overdraft considering drought periods. The factual determination of overdraft contribution shall be made by the Planning and Development Department and the County Water Agency.
- d. Provide a factual demonstration that the water purveyor has available, firm, long term reliable water supplies which equal or exceed present demand from existing customers, projects approved for new service, and the proposed project under County review. The demonstration should also show that the project use would not contribute to overdraft of the basin. The factual determination of no additional overdraft shall be made by the Department and the County Water Agency.
- e. Provide draft contracts with water purveyors, which demonstrate to the satisfaction of the County that the development will be served by a long term supplemental water source and will have a continuing right to obtain water equal to that of the water purveyor's other customers.
- f. Provide information on the water purveyor's existing and projected range of potential State Water and/or other supplemental water delivery amounts needed for full buildout under the water purveyor's management plan, status of conservation programs, drought buffers, and groundwater pumpage consistent with applicable state government code requirements on water reporting. Provide information on the most recent annual water deliveries from various sources in the purveyor's service area, as available from existing reports.

2. Facilities.

- a. Documentation of the facilities necessary to deliver water and demonstration of permanent access to the facilities such that uninterrupted service would be provided. The documentation must include a list and description of facilities, site plans, capacity and capital costs necessary to distribute water to the project.
- b. Demonstration that capital costs associated with providing service to the new development will not impact existing Orcutt development.
- c. Demonstration that the water supply project is designed, approved, funded and scheduled for implementation prior to tract map recordation or land use clearance.
- d. Describe approvals and entitlements necessary for the proposed water supply and delivery system. (Wat O 2.2)

C. Verification of adequate supply. Prior to map recordation or land use clearance, the developer shall provide a Can and Will Serve letter and necessary final contracts consistent with the conditions of the discretionary permits and terms of the draft contracts. (Wat O 2.3)

Part 6 – Summerland Community Plan Development Standards

Sections:

~~Purpose
Applicability
Permit Requirements
Abandoned Oil Well Sites
Agricultural Protection
Air Quality
Biological Resource Preservation
Building and Structure Height and FAR Limitations
Circulation and Parking
Cultural Resource Preservation
Grading Standards and Geologic Hazard Mitigation
Noise Standards
Storm Drainage
Site Specific Standards~~

Purpose

~~This Chapter provides development standards from the Summerland Community Plan.~~

Applicability

~~The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Summerland Community Plan area in addition to all other applicable requirements of this Development Code.~~

Permit Requirements

- ~~**A. Architectural Review required.** All applicable building, grading, landscaping and other plans for new or altered buildings shall be reviewed by the Board of Architectural Review (BAR). A Land Use Permit or Coastal Development Permit for grading for a building pad shall not be issued except in conjunction with a proposed use or structure that has received final approval from the Board of Architectural Review.~~
- ~~**B. Required findings.** In addition to any findings that are otherwise required by this Development Code for the approval of a permit for development, project approval within the Summerland Community Plan overlay zone shall require that the review authority also first find that:~~
- ~~1. The project complies with all applicable requirements of the Summerland Community Plan, including the requirements of the Summerland Development Standards;~~
 - ~~2. In the case of a modification or variance to reduce the number of required off-street parking spaces, the modification or variance will not result in an increase in on-street parking;~~
 - ~~3. In the case of a project that would result in a net increase in water use, that there is sufficient water supply available to serve existing commitments;~~
 - ~~4. In approving new development, that the development will not adversely impact existing recreational facilities and uses; and~~
 - ~~5. In the case of architectural review by the BAR, prior to issuance of a Land Use Permit or Coastal Development Permit, as applicable, the BAR shall also find that a new or altered building is in conformance with the Summerland BAR Guidelines.~~

Abandoned Oil Well Sites

All development proposals on property with known or suspected abandoned oil wells shall have an investigation conducted by a licensed contractor, including a field survey with a magnetometer, to determine the possible existence and location of any abandoned oil wells on the subject property. If any abandoned oil wells are discovered, the State Department of Conservation, Division of Oil and Gas abandonment removal procedures shall be followed. (HAZ S 1, and S 1.1)

Agricultural Protection

- A. Agricultural buffers.** New development adjacent to agriculturally zoned property shall include buffers to protect the viability of agricultural operations adjacent to the community. (LUA S 2)
- B. Residential setback requirement.** New homes in residential zones shall be setback a minimum of 50 feet from the property line of adjacent agriculturally zoned parcels. (LUA S 2.1)
- C. Residential fencing requirement.** New development in residential zones adjacent to agriculturally zoned land shall include a six foot high fence on the property line abutting the agricultural zone. (LUA S 2.2)
- D. Screening between agricultural and residential uses.** All new development in residential zones shall include dense screen plantings of shrubs and trees on the border adjacent to agriculturally zoned land. The species, location, and maintenance of the trees and shrubs shall be compatible with the adjacent agricultural operations. (LUA S 2.3)

Air Quality

- A. Best available control technology.** Future project construction in Summerland shall follow all requirements of the Santa Barbara County Air Pollution Control District, and shall institute Best Available Control Technology where necessary to reduce emissions below Air Pollution Control District threshold levels. (AQ S 1.1)
- B. Construction management.** The applicant shall minimize the generation of fugitive dust during construction activities by observing the following: (AQ S 1.2)
1. Reduce amount of disturbed area;
 2. Utilize water and/or other dust palliatives; and
 3. Re-vegetate/stabilize disturbed area as soon as possible.
- C. Radon gas mitigation.**
1. **Testing requirement.** All new development shall be required to test the proposed site for the presence of Radon gas, unless testing is deemed unnecessary by the County given previous tests undertaken on the same site or in the vicinity, and protective construction techniques shall be required if deemed necessary. (GEO S 2.4)
 2. **Residential design.** Homes shall be designed and constructed in compliance with Environmental Protection Agency (EPA) guidelines for minimizing impacts associated with radon gas exposure. All building plans shall be reviewed and approved by the Department and Public Works prior to issuance of a Land Use Permit or Coastal Development Permit for future structures. (GEO S 2.6)

Biological Resource Preservation

- A. Habitat setbacks.** All new development within 100 feet of an Environmentally Sensitive Habitat, including riparian, oak or willow woodlands, and coastal sage scrub shall be required to provide for

~~setbacks or undeveloped buffer zones (possibly through open space easements) from these habitats. The Department shall refer to the Summerland Biological Resources Map for information on the location of native habitats, as well as referring to other available data (i.e., other maps, studies or observations). Installation of landscaping with compatible native species may be required within the buffer zone to offset impacts to sensitive habitats from development and increased human activities onsite. If the project would result in potential disturbance to the habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration may be considered. (BIO S 1.2)~~

~~**B. Avoidance of habitat fragmentation.** Further development within the well developed, transitional Coastal Sage Scrub/Chaparral habitat, south of Hunt Drive and north of the riparian corridor near the abandoned section of Greenwell Avenue, shall be designed to avoid fragmentation of the habitat area. (BIO S 1.3)~~

~~**C. Rural area wildlife escape routes.** In rural areas, new development shall provide for "escape routes," for wildlife where appropriate and shall not interrupt major wildlife travel corridors within the Community Plan Study Area (typical wildlife corridors are provided by drainage courses and similar undeveloped natural areas). (BIO S 1.4)~~

~~**D. Habitat restoration required.** In the event that activities determined to be zoning violations result in the degradation of native habitat, the applicant shall be required to prepare and implement a habitat restoration plan. Degraded or disturbed areas of an identified habitat outside of any formal landscaping plan shall be restored with appropriate native species to offset increased development and increased human and domestic animal presence. (BIO S 1.5)~~

~~**E. Construction monitoring.** Where sensitive or valuable biological resources occur within or bordering a project site, a County approved biologist or other experienced individual acceptable to the County may be required to monitor construction within/bordering the resource area as determined to be necessary by the Department. (BIO S 1.6)~~

~~**F. Confirmation of compliance with mitigation measures.** As determined necessary by the Department prior to issuance of occupancy clearance a biologist shall provide written confirmation to the Department stating that the applicant has complied with all construction related biological resource mitigation measures. (BIO S 1.7)~~

~~**G. Monarch butterfly roost protection.**~~

~~**1. Timing of construction.** Any construction, grading or development within 200 feet of known or historic butterfly roosts shall be prohibited between November 1 and April 1. This requirement may be modified/deleted on a case by case basis where either the Department or additional information/study with the approval of the Department concludes that one or more of these activities would not impact monarchs using the trees. (BIO S 3.1)~~

~~**2. Butterfly Roost Protection Plan.** Prior to issuance of a Coastal Development Permit or Land Use Permit for development within 200 feet of known or historic butterfly roosts, the Department shall determine if the proposed project would have the potential to adversely impact monarch butterfly habitat. This shall be determined based on proximity to known, historic, or potential butterfly trees. The Summerland Biological Resources map shall be considered in determining proximity as well as other available information and maps. In the event the proposed project does have the potential to adversely impact monarch butterfly habitat, the applicant shall submit to Department a Butterfly Roost Protection Plan. This plan shall be developed at the applicant's expense and shall be included on any grading designs. The plan shall include the following information and measures: (BIO S 3.2)~~

~~a. The mapped location of the windrow or cluster of trees where monarch butterflies are known, or have been known, to aggregate;~~

- b. ~~A minimum setback of 50 feet from either side of the roost shall be noted on the plan. Buffers surrounding potential roosts may be increased from this minimum, to be determined on a case by case basis. A temporary fence shall be installed at the outside of the buffer boundary. All ground disturbance and vegetation removal shall be avoided within this buffer region; and~~
- e. ~~Native vegetation shall be maintained around this buffer.~~

~~**H. Riparian resource preservation.** Riparian protection measures shall be based on a project's proximity to riparian habitat and the project's potential to directly or indirectly damage riparian habitat through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. Damage could include vegetation removal/disturbance, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. Prior to issuance of a Coastal Development Permit, the applicant shall include a note on the grading and building plans stating the following riparian habitat protection measures:~~

- 1. ~~**Riparian setback.** A setback as designated in Coastal Plan Policy 9-37 (generally 100 feet in rural areas, and 50 feet in urban areas) from either side of top of bank of Greenwell Creek, precluding all ground disturbance and vegetation removal, shall be indicated on each grading plan.~~
- 2. ~~**Protective fencing.** Prior to initiation of any grading or development activities associated with a Coastal Development Permit, a temporary protective fence shall be installed along the outer buffer boundary at the applicant's expense. The storage of equipment, supplies, vehicles, or placement of fill or refuse, shall not be permitted within the fenced buffer region.~~

~~The review authority may modify or delete the requirement in Subsection H.2 if the review authority finds that the requirement is not necessary to protect biological resources (i.e., due to topographical changes or other adequate barriers). (BIO S 7.1)~~

- 3. ~~**Restoration of vegetation.** On site restoration of any project disturbed buffer or riparian vegetation within all portions of Greenwell and Toro Canyon Creek shall be mandatory. A riparian revegetation plan, approved by the County, shall be developed by a County approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense. The revegetation plan shall use native species that would normally occur at the site prior to disturbance. The plan shall contain planting methods and locations, site preparation, weed control, and monitoring criteria and schedules. (BIO S 7.2)~~

~~**I. Tree protection.** New development shall preserve all existing native trees to the maximum extent feasible. If preservation is not possible, a replacement planting program shall be required. (BIO S 6.3)~~

- 1. ~~**Tree Protection Plan required.** A Tree Protection Plan shall be required for new development where:~~
 - a. ~~Native and specimen trees may be impacted by new development; or~~
 - b. ~~Either the project site contains native or other biologically valuable trees (i.e., oaks, willows, sycamores, cottonwoods, cypress, eucalyptus,); or~~
 - c. ~~Where these trees on adjacent properties have driplines which reach onto the project site.~~
- 2. ~~**Exceptions to plan requirement.** The requirement for a Tree Protection Plan may be modified or deleted where it can be found that no trees (proposed to be retained) would be potentially damaged by the project activities. This decision shall be based on the location of trees and the project's potential to directly or indirectly damage trees through such activities as grading, brushing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property.~~

~~3. **Plan preparation and review.** The Tree Protection Plan shall be developed at the applicant's expense and should be prepared by a County approved arborist/biologist as determined to be necessary by the County. The plan must be approved by the Department prior to issuance of a Coastal Development Permit. The plan shall be included on all grading and building plans. The County's standard Tree Protection Plan is included in the Standard Mitigation Measures/Standard Conditions Manual. (BIO S 6.4, BIO S 6.5)~~

Building and Structure Height and FAR Limitations

~~A. **Height limits.** The maximum allowable height of structures, as measured per the applicable height methodology, shall be 22 feet within the Urban Area and 16 feet within Rural Areas. For the purposes of this Section, "Urban Area" and "Rural Area" are as identified on the Summerland Community Plan Land Use Map. Compliance with the height limitations as identified in the Board of Architectural Review Guidelines for Summerland is required for all development. Exemptions from maximum allowable height are not allowed.~~

~~B. **Floor Area Ratio (FAR).** Proposed development shall not exceed the maximum floor area ratio (FAR) allowed by this Subsection:~~

~~1. **Single family dwellings.** A new single family dwelling and remodels of and additions to existing single family dwellings in any zone except Design Residential (DR) shall not exceed the following maximum FAR limitations, and the limitations provided in Subsection 6 below.~~

Lot Area	Maximum Allowed FAR	Maximum Allowed Floor Area
2,500 sf. or less	0.50	N.A.
2,501 sf. to 3,600 sf.	0.38	1,296 sf.
3,601 sf. to 4,700 sf.	0.36	1,598 sf.
4,701 sf. to 5,800 sf.	0.34	1,856 sf.
5,801 sf. to 6,900 sf.	0.32	2,070 sf.
6,901 sf. to 8,100 sf.	0.30	2,268 sf.
8,101 sf. to 9,400 sf.	0.28	2,538 sf.
9,401 sf. to 10,800 sf.	0.27	2,808 sf.
10,801 sf. to 12,000 sf.	0.26	3,100 sf.
More than 12,000 sf.	See Note	

Note: The maximum allowable floor area column sets a cap on each category so that there is no overlap between the categories. Each parcel may develop to the limits set by the FAR for its parcel size, except that parcels to the larger end of each category may not develop structures larger than the maximum allowable floor area set for each category. The maximum floor area for lots over 12,000 square feet shall be established as a base of 2,500 square feet plus five percent of the net lot area, with a maximum allowable floor area of 8,000 square feet.

~~2. **Duplexes.** The maximum allowed FAR is 0.27, except where reduced in compliance with Subsection 6 below. The maximum floor area shall be 3,600 square feet of total living area for both units of the duplex.~~

~~3. **Commercial and mixed use projects:**~~

~~a. The maximum allowed FAR is 0.29 if the entire project is commercial, and 0.35 if it is a mixed use development, except where reduced in compliance with Subsection 6 below. For the purposes of this Section, "mixed use development" means a structure on a lot where 49 percent or less of the usable floor area, excluding garages, is for residential use.~~

~~b. If mixed use, all of the additional floor area allowed over the 0.29 FAR shall be devoted~~

exclusively to residential use.

- e. ~~Commercial projects shall be subject to other county planning and environmental constraints which may have a bearing on the size of the building.~~

4. ~~Garage and right-of-way FAR limitations and exceptions.~~

- a. ~~**Residential garages.** For a residential lot, up to 500 square feet per dwelling unit may be allowed for a two-car garage and excluded from the maximum allowed FAR. For a single family lot that is 12,000 square feet or larger, a three-car garage of up to 750 square feet may be excluded from the maximum allowed FAR. A garage exceeding these limits may be allowed; however, additional floor area above these limits shall be counted toward the maximum allowed net floor area of the dwelling.~~
- b. ~~**Commercial and mixed use garages.** For a commercial or mixed use project, up to 500 square feet of garage floor area per 6,000 square feet of lot area may be excluded from the maximum allowed FAR (e.g., a commercial or mixed use project on a 12,000 square foot lot may exclude 1,000 square feet of garage space from the FAR calculations). On a pre-existing lot of less than 6,000 square feet, up to 500 square feet of garage space may be excluded.~~
- e. ~~**Abandoned east/west rights-of-way.** For a lot with an abandoned east/west right of way, the abandoned area may only be credited 50 percent towards the total lot area used in the calculation of the FAR.~~

5. ~~Existing structure that exceeds maximum FAR.~~ An existing structure that exceeds the maximum allowed FAR may be altered or reconstructed provided that:

- a. ~~The alterations or reconstruction shall not increase the FAR to an amount greater than was contained in the original structure; and~~
- b. ~~The proposal complies with the Board of Architectural Review Guidelines for Summerland in all other respects.~~

6. ~~Reductions in maximum FAR.~~

- a. ~~**Plate height.** The maximum allowed FAR shall be reduced based on the average plate height (the distance between the floor and where the wall intersects with the roof or the floor joists of the story above), to regulate the height and bulk of the building.~~

- (1) ~~**Lot less than one acre.** The maximum allowed FAR shall be reduced as follows based on the average plate height.~~

Average Plate Height	FAR Reduced By
Up to 9 ft.	0%
9 ft. to 10 ft.	10%
over 10 ft.	20%

- (2) ~~**Lot of one acre or larger.** A maximum of 40 percent of the floor area shall be allowed to exceed a plate height of nine feet. If more than 40 percent of the floor area exceeds a plate height of nine feet, the excess will be counted as two times the floor area.~~

- b. ~~**Understories.** An understory (defined as the portion of the structure between the exposed finished floor and the finished grade, as defined by the latest edition of the Building Code) exceeding four feet in height shall reduce the maximum FAR otherwise allowed as follows.~~

Height of Understory	FAR Reduced By
Over 4 ft.	10%
Over 6 ft.	20%
8 ft. or more	33%

~~— A dwelling permitted prior to May 19, 1992 in the Coastal Zone, and June 21, 1992 inland shall not be subject to the above understory standards as long as a proposed addition conforms with the original building footprint in profile.~~

e. Residential basements.

~~(1) A residential basement (usable or unused under floor space where the finished floor directly above is no more than four feet above grade, as defined by the latest edition of the Building Code) shall be counted toward the maximum allowed FAR of a dwelling as follows:~~

~~— First 250 sf. = 0 percent = 0 sf. counted, and 250 sf. does not count toward FAR~~

~~— Next 250 sf. = 50 percent = 125 sf. counted and 125 sf. does not count toward FAR~~

~~— Next 300 sf. = 75 percent = 225 sf. counted and 75 sf. does not count toward FAR~~

~~— Over 800 sf. = 100 percent = all sf. counted toward FAR.~~

~~(2) The floor area that does not count toward the FAR per the above formula may be added to the allowable floor area of the structure; however, the increase in floor area resulting from this formula may be used only once per lot, including lots with multiple unit structures.~~

~~(3) A proposed residential structure that does not qualify for a basement credit may add five percent to its maximum allowed FAR, provided that no part of the lowest finished floor over the entire building footprint is more than 18 inches above grade.~~

~~(4) A basement shall be counted at 100 percent of its floor area unless there is no second floor on the structure or unless the second floor mass is set back from the downslope face of the first floor by a minimum of 10 feet at all locations.~~

Circulation and Parking

~~A. Pedestrian and bicycle access. Site design shall encourage pedestrian and bicycle access to adjacent walkways and paths. (CIRC S 7.1)~~

~~B. Proximity of high density development to alternative modes of transportation. Higher intensity residential and commercial development should be located in close proximity to transit lines, bike paths and pedestrian trails. (CIRC S 7.2)~~

~~C. Carpool and vanpool parking. Parking provided for commercial areas should include specially marked and restricted parking spaces for carpool and vanpool vehicles for use by employee vehicle pool programs consistent with the County's Transportation Demand Management Ordinance. (CIRC S 14.2)~~

~~D. Right-of-way landscaping. All new landscaping within and immediately adjacent to public rights-of-way (ROW) shall be consistent with the continued use and availability of the ROW for its eventual intended use. No major trees shall be planted within the public road ROW where that roadway is proposed for eventual installation. (CIRC S 17.1)~~

Cultural Resource Preservation

- A. ~~Archaeological resources.~~** Prior to issuance of a Coastal Development Permit or Land Use Permit, as applicable, the Department shall determine whether the project site is located in either a known archaeological site or in an area with potential archaeological resources. This shall be determined by consulting the Summerland Archaeological Resources Map, found in the Summerland Community Plan, as well as the Department staff archaeologist for any new archaeological survey results that would update the Summerland Archaeological Resources Map. (HA S 1.1)
- 1. ~~Phase I survey.~~** If the site is located in an area that is likely to contain archaeological resources and there has not yet been a Phase I survey of the property, the applicant shall fund preparation of a Phase I survey to be prepared by a Department qualified archaeologist, unless this requirement is specifically waived by the Department archaeologist (based upon his/her professional opinion that the Phase I is not needed to avoid archaeological resources).
 - 2. ~~Implementation of recommendations.~~** All recommendations of an archaeological report analysis including completion of additional archaeological analysis (Phase 2, Phase 3) and/or project redesign shall be implemented or incorporated into the proposed development prior to issuance of the Coastal Development Permit or Land Use Permit.
- B. ~~Historical resource preservation.~~**
- 1. ~~Preservation and restoration measures.~~** Appropriate preservation and restoration or renovation measures shall be implemented to ensure that adverse impacts to significant historical resources are avoided except where they would preclude reasonable development on a parcel. (HA S 1.2)
 - 2. ~~Review of remodeling.~~** All remodeling resulting in increased building size or demolition of designated Historic structures shall be reviewed by the Department for consistency with Comprehensive Plan historic resource preservation policies. (HA S 1.3)

Grading Standards and Geologic Hazard Mitigation

- A. ~~Geology/soils report.~~** The preparation of a geology/soils report shall be required for all new structures in the Community Plan area. The report shall be reviewed by the Special Problems Committee and the County Resource Management Department prior to the issuance of Building Permits. (GEO S 2.2)
- B. ~~Grading plan content.~~** Prior to issuance of a Coastal Development Permit, a determination shall be made regarding which, if any, of the following measures shall be incorporated into a required grading plan. This decision shall be based on the project's proximity and potential impact to sensitive habitats (i.e., riparian) and the presence of steep slopes, erosive soils, etc., on or adjacent to the project site. Consideration shall be given to all of the activities which would likely occur as part of the permit being considered, such as grading, brushing, construction, vehicle parking, supply/equipment storage and trenching:
- 1. ~~Sedimentation, silt and grease traps shall be installed in paved areas to act as filters to minimize pollution reaching downstream habitats. These filters would address short term construction and long term operational impacts;~~**
 - 2. ~~Temporary, low cost erosion control, such as hay bales and debris fencing shall be installed within unpaved areas during the rainy season (typically from November to March) whenever the threat of erosion and sediment movement into drainages exists; and/or~~**
 - 3. ~~Graded slopes shall be temporarily seeded with non invasive or naturalized annual grasses, if landscaping is delayed past the onset of the rainy season. (GEO S 2.8)~~**
- C. ~~Landscape plans for slope restoration.~~** Landscape plans shall be required for all new development

which proposes development on slopes greater than 20 percent to ensure re-vegetation of graded areas. Each landscape plan shall be reviewed by the County BAR; landscape securities shall be required unless expressly waived by the Department. (GEO S 2.5)

D. Bluff retreat analysis and mitigation.

1. **Site-specific analysis.** All development proposed on ocean bluff top property shall require a site specific analysis, prior to project review and approval, by a registered or certified geologist to determine the extent of the hazards (including bluff retreat) on the project site. Recommendations indicated in the analysis required by the Department shall be implemented. (GEO S 3.1)
2. **Bluff retreat mitigation through project design.** All new development proposed for the bluff-top shall minimize or avoid acceleration of seacliff retreat. Actions to minimize retreat shall include, but not be limited to, restricting septic tank use, minimizing irrigation, and utilizing culverts and drainage pipes to convey run-off. (GEO S 3.2)
3. **Drainage.** Where possible, all drainage from bluff top parcels shall be conveyed to the nearest street. Where drainage must be conveyed over the face of the bluffs, the drainage lines shall be combined with those of neighboring parcels where possible, and sited and designed to minimize visual disruption of the bluff area. (GEO S 3.3)

E. Residential Subdivisions. For any proposed residential subdivisions, which require CC&Rs, in Summerland, these CC&Rs shall include a statement regarding the potential for exposure to radon hazards and shall note the requirement for construction of homes in accordance with EPA guidelines. These CC&Rs shall be reviewed and approved by DER prior to the recordation of the final map. (GEO S 2.7)

Noise Standards

A. Design of noise sensitive uses. Development of noise sensitive uses should be designed to provide sufficient attenuation of ambient noise levels for indoor living areas and, where practical, for outdoor living areas. Review of new noise sensitive uses (as defined in the Noise Element of the Comprehensive Plan) should include the following considerations: (N S 1.1)

1. The CNEL values should be established by on site measurements for proposed noise sensitive developments between highway 101 and the east west line defined by Golden Gate Avenue, as the actual CNEL value at a specific location depends on the exposure to the highway and railroad.
2. Residential use of the upper stories of structures along Lillie Avenue could be subject to high noise levels. An exterior to interior noise reduction of at least 35 dBA is required in these cases, although normal construction techniques and materials contribute only about a 20 dBA reduction. For this reason, a detailed evaluation of the overall acoustical insulation provided by the combination of the various building components (e.g., doors, windows, walls, roofs, etc.) would be necessary to establish the adequacy of the design to reduce noise levels.
3. The provision of outdoor living areas for the above residential areas may also be feasible. The proposed architectural design as well as the siting and orientation of the structure should minimize to the greatest extent possible impacts to outdoor living areas from ambient noise levels.

B. Acoustic evaluation. An acoustic evaluation shall be required for a discretionary project meeting the definition of a noise sensitive land use as defined in the Noise Element of the Comprehensive Plan and which:

1. Is located between Highway 101 on the south and the east west line defined by Golden Gate Avenue to the north; or

~~2. Is located south of Highway 101.~~

~~— The evaluation should include a study of the ambient noise level, determination of the CNEL at the site and an analysis of the architectural design requirements to ensure compliance with the County Noise Threshold Criteria for indoor areas in the County of Santa Barbara Environmental Thresholds Manual. Where feasible and desirable, design shall also consider noise levels for outdoor living areas. The evaluation should be prepared by a professionally registered engineer with a specialty in environmental acoustics. (N S 1.2)~~

Storm Drainage

~~A. **Sharing of improvement costs.** The County shall require all new development projects located in the Summerland area to contribute their fair share of the improvement costs as outlined in the Master Drainage Plan. (FLD S 1.2)~~

~~B. **Drainage system design.** Site specific drainage systems shall be designed in concert with geotechnical requirements to avoid infiltration of surface water which would exacerbate geologic hazards; impervious surfaces should be utilized where necessary to control adverse geologic or drainage conditions, but should be minimized to avoid the generation of substantial new run-off volumes. (FLD S 1.3)~~

~~C. **Drainage review.** All new development in the Special Problems Area shall be reviewed by the Special Problems Committee and prior to issuance of Building Permit the Committee shall make a finding that the project will not contribute to existing drainage problems and is consistent with and implements the Master Drainage Plan. (FLD S 2)~~

~~D. **On-site drainage systems.** For any proposed new development where the building site would be subject to adverse drainage impacts from surrounding properties, or which would create offsite drainage impacts, an on-site drainage system shall be designed by a registered civil engineer and approved by the County Flood Control District to intercept drainage (e.g., perimeter troughs and/or drain inlets) and to safely deliver this run-off to the nearest public street. (FLD S 2.1)~~

~~E. **Required improvements.** The developer of a proposed new development that would be constructed prior to the emplacement of Master Drainage Plan improvements to serve the project, shall be responsible for constructing certain drainage system elements to control project run-off. The required improvements may include the following:~~

~~1. For developments draining to streets oriented east/west, curbs and gutters shall be provided on the subject street to convey water along the natural gradient to the closest north/south oriented street; and~~

~~2. For developments draining to streets oriented north/south curbs and gutters shall be provided on the subject street to convey water along the natural gradient to the closest existing storm drain inlet. (FLD S 2.2)~~

~~F. **Drainage plan required.** A detailed drainage plan shall be required for all development to minimize landslide, soil creep and erosion hazards. The plan shall be reviewed and approved by the Department and, if the site is within the Special Problems Area, by the Special Problems Committee prior to issuance of building permits. (GEO S 2.3)~~

Standards for Specific Sites

The standards of this Section apply to specific parcels as identified by their Assessor's Parcel Number (APN), as that number was assigned on the effective date of these standards.

~~A. **APN 005-110-001.** The following standards apply to APN 005-110-001, the 28 acres currently identified as the Jostens Property, Area A in the Summerland Community Plan. (LU S J 1)~~

- ~~1. **Limitations on location of development.** Due to visual, archaeological, biological and traffic constraints on the site, any expansion or addition shall be limited to the "Potentially Developable" area depicted in Figure 340-1 (Area A Site Plan) of the Summerland Community Plan.~~
 - ~~2. **Height limit.** All new and modifications to existing buildings on Area A shall be limited to one story and 16 feet in height.~~
 - ~~3. **Priorities for subsequent use.** If the MRP use of the site ceases, the first priority for Area A is for public open space. If public or other funds are available, Area A should be acquired for permanent public open space and recreational use. The second priority for Area A is Residential, with limited public recreational use of the property.~~
- ~~**B. APNs 005-210-001 and 036.** The following standards apply to the portions of APNs 005-210-001 and 036 identified as Areas B and D, and the Knoll Area in the White Hole Knoll/Trails Map, of the Summerland Community Plan.~~
- ~~1. **Maximum density.** A maximum of three of the dwelling units allowed on the site may be built in the Knoll Area as identified in the White Hole Knoll/Trails Map. (LU-S-WH 1a)~~
 - ~~2. **Accessory structures.** If homes are proposed in the Knoll area, they shall not have accessory structures that interfere with or impede public views across the Knoll, and they shall only be located along the eastern boundary of the Knoll Area. No accessory structure shall be located within primary public viewing corridors and significant gaps shall be maintained on the Knoll Area between the proposed homes. (LU-S-WH 1a.2)~~
 - ~~3. **Limitation on grading.** The portion of the Knoll Area encircled by the 270 foot existing grade contour as depicted in the White Hole Knoll/Trails Map may be lowered no more than two feet. (LU-S-WH 1a.3)~~
 - ~~4. **Residential setback requirement.** Any residential structure built at or above the existing 260 foot elevation as depicted in the White Hole Knoll/Trails Map shall be set back, on the southerly and westerly sides, a minimum of 125 feet from the 260 foot contour. (LU-S-WH 1a.4)~~
 - ~~5. **Height and bulk requirements.** In general, size, height and bulk limitations for structures constructed on the Knoll Area shall be determined by other applicable requirements of this Development Code, the Summerland BAR Guidelines, and the policies of the Summerland Community Plan. In addition, the following limitations shall apply to development on the Knoll Area: (LU-S-WH 1a.5)~~
 - ~~a. Maximum height shall be no more than 16 feet to the highest ridge.~~
 - ~~b. The average plate height of exterior walls shall not exceed nine feet.~~
 - ~~6. **Landscape plan requirement.** An application for discretionary approval to construct residences and associated structures in the Knoll Area shall be accompanied by a landscaping plan. The landscaping plan shall provide for the following. (LU-S-WH 1a.6)~~
 - ~~a. The visual impacts of development in the Knoll Area shall be mitigated to the maximum extent feasible through the use of landscaping.~~
 - ~~b. Landscaping within 100 feet of the residences and associated physical structures in the Knoll Area may be of conventional design and employ conventional plant materials. Any landscaping beyond this 100 foot radius shall consist mainly of drought tolerant, primarily native species.~~
 - ~~c. The Landscaping Plan shall provide for removal from the Knoll Area plant species not associated with the Coastal Sage Scrub plant community and their replacement with~~

appropriate native plant species.

~~7. **Public access and use.** Public access to and utilization of the Knoll Area shall be provided for as follows. There shall be three public resting and view enjoyment areas ("public areas") in the Knoll Area. These public areas shall be located substantially as depicted in the White Hole Knoll/Trails Map. (LU S WH 1a.7)~~

~~a. Easements for the public area, together with easements for the trails providing public access to and between the public areas, shall be dedicated to the County as a condition of granting subdivision approval.~~

~~b. Detailed plans for the construction of the public areas and trails shall be prepared by the developer with input from the Summerland Citizens Association and the Montecito Trails Foundation and shall incorporate their recommendations to the greatest extent feasible. These plans shall be reviewed and approved by the Department and the County Parks Department at the time of subdivision approval.~~

~~c. The costs of initially constructing the public areas and trails shall be borne by the developer. Trails and public areas shall be constructed concurrently with or prior to development on the site. Once the public areas and trails are constructed and granted as easements, the County Parks Department shall maintain them and accept liability for them.~~

~~d. The developer shall minimize to the greatest degree possible conflicts between development and trails and public areas.~~

~~8. **Public area standards.** The three public areas shown in the White Hole Knoll/Trails Map shall meet the following criteria:~~

~~a. **General requirements.**~~

~~(1) Each area shall be of a size sufficient to provide rustic seating areas for pedestrian and equestrian users.~~

~~(2) Each area shall include vegetative screening that shall visually separate the public area from nearby residences and this vegetative screen shall be a mix of native plants that do not grow higher than five feet;~~

~~(3) All structures shall be set back 125 feet from any trails connecting public areas No. 1 and No. 2. Setbacks shall be a minimum of 100 feet from the trail leading from public area No. 2 to area No. 3. Setbacks from trails leading from public area No. 3 to the northern boundary of the property should be sufficient to ensure the privacy and protection of the trails.~~

~~(4) All driveways and roadways shall be set back a minimum of 50 feet from public areas and trails.~~

~~b. **Specific location requirements.** Each public area shall be located and provide views as follows: (LU S WH 1a.8)~~

~~(1) **Area 1.** This area shall be located on the 260 foot contour line and shall provide views to the south, east and west including views from Sand Point to Hammonds Beach.~~

~~(2) **Area 2.** This area shall be located on the northeast edge of the 260 foot contour and shall provide views to the southwest, west, north and northeast including views of Rincon Mountain and the city of Santa Barbara.~~

~~(2) — **Area 3.** This area shall be located on the northernmost edge of the 240 foot contour and shall provide views to the west, north and east including the south coast and adjacent ocean areas toward Anacapa Island and the westerly mountains.~~

~~9. — **Public trail standards.** Public trails providing access to the public areas shall be provided as substantially shown in the White Hole Knoll/Trails Map. The trail providing access between public Areas 1 and 2 shall be located along the 260 foot contour line, and the trail connecting Areas 2 and 3 shall be direct and generally follow contour lines as substantially as shown in the White Hole Knoll/Trails Map. The trails shall be built to design standards acceptable to the County Parks Department and shall be planned for use by both pedestrians and horses. (LU S-WH 1a.9)~~

~~a. — The limits of all trails to and between the public areas may be delineated by vegetative barriers not to exceed five feet in height and designed so as to not block public views from the trails. Fencing shall not be utilized to delineate trails; however, where necessary, unobtrusive fencing of four feet or less in height, which does not obstruct public views, may be constructed within the 125 foot setback from trails.~~

~~b. — All structures, with the exception of fences, shall have a minimum 125 foot setback from all trails except as identified in Subsection B.8 above.~~

~~10. — **Architectural Guidelines required.** Prior to submittal of a site plan for Areas B and D, Architectural Guidelines shall be developed which address architectural compatibility within the site and encourage an overall low profile design which minimizes visual impacts. (LU S-WH 1a.10)~~

~~11. — **Identification of building envelopes required.** New development proposed for Areas B and D shall include building envelopes which are located to minimize grading and impacts to public views; new homes within these envelopes shall be of an appropriate size to achieve these goals. (LU S-WH 1a.10)~~

~~12. — **Additional standards.** Development proposed in Areas B and D shall also comply with the requirements in Subsection D below.~~

~~C. — **APN 005-210-046.** The following standards apply to APN 005-210-046, identified as Area C in the Summerland Community Plan.~~

~~1. — **Setback requirements.** To help retain the rural sense of this parcel, setbacks from the southern and western property lines shall be no less than 150 feet. (LU S-WH 1b.1)~~

~~2. — **Maximum elevation of development.** All structural development or grading shall be located at or below the 140 foot contour line except where it can be demonstrated that intrusions of structures above this contour results in an overall decrease in adverse aesthetic impacts of the project. In no case shall development be allowed to exceed the 150 foot contour line. No development shall occur in the "Constrained Area" as identified in the White Hole Knoll/Trails Map) with the exception of the access road. (LU S-WH 1b.1)~~

~~3. — **View corridor preservation.** All structures and landscaping shall be presented so as to preserve view corridors across Area C. View corridors which shall be protected include views of the Knoll on Area B, the mountains as seen from Via Real across the eastern portion of Area C, and the mountains as viewed from Via Real to the western edge of Area C. (LU S-WH 1b.2)~~

~~4. — **Landscaped buffers.** Buffer areas fronting Via Real and Greenwell Avenue shall be landscaped in a way which preserves view corridors across Area C. Landscaping shall not create a "wall" effect from the outside while at the same time screening the development on site to the greatest degree possible. Landscaping on the interior portion of the site should appear natural and emphasize~~

~~native vegetation; buffer areas should contain primarily native vegetation. (LU S WH 1b.3)~~

- ~~5. — **Design standards.** All structures shall be designed to harmonize with the existing residential character of Summerland. Building massing and design shall help create the impression of smaller, detached cottages and duplexes, with a mix of one and two story elements, without large, multi-unit, unbroken massed structures. (LU S WH 1b.4)~~
- ~~a. — Building forms shall be clustered to preserve generous areas of open space and to create and enhance view corridors across the property to the Knoll and the mountains. Buildings shall be sited in such a manner as to minimize the amount of roadways and driveways and shall emphasize a "walking community" layout.~~
- ~~b. — All structures shall be sited, designed and oriented to minimize intrusion into the skyline, preserve view corridors of the face of the Knoll area and preserve the rural character of the site.~~
- ~~6. — **Vehicle access.** Access to Area C shall be from both Greenwell Avenue and Via Real. Access from Via Real shall be located as far to the east as possible while still minimizing grading impacts and maintaining the rural nature of the entryway and site. Both access drives shall be designed and landscaped to minimize visual impacts to the surrounding area. (LU S WH 1b.5)~~
- ~~7. — **Hiking and equestrian trail.** A public hiking and equestrian trail shall be provided by the developer as a condition of project approval. A trail shall be located consistent with White Hole Knoll/Trails Map along the northern portion of the property within the 150 foot setback and shall come in from the west and link up with the trail on Area B which leads up to the Knoll. Project design shall provide adequate access to the trail for project residents from the eastern and western portions of the site. The developer shall minimize to the greatest degree possible conflicts between development and the trails. Easements for the trail shall be dedicated to the County as a condition of granting subdivision approval. (LU S WH 1b.6)~~
- ~~a. — Detailed plans for the construction of the trails shall be prepared by the developer in cooperation with the Summerland Citizen's Association and the Montecito Trails Foundation. These plans shall be reviewed and approved by the Department and the County Parks Department at the time of subdivision approval.~~
- ~~b. — The costs of initially constructing the trails shall be borne by the developer. Trails shall be constructed concurrently with or prior to development on the site. Once the trails are constructed and granted as easements, the County Parks Department shall maintain them and accept liability for them.~~
- ~~8. — **Walkway.** A rural walkway (in lieu of a sidewalk) shall be provided within the southern buffer of the parcel. The walkway shall be set back a minimum of 25 feet from the edge of Via Real. (LU S WH 1b.7)~~
- ~~9. — **Additional standards.** Development proposed in Area C shall also comply with the requirements in Subsection D below.~~
- ~~D. — **APNs 005-210-001, -036, and -046.** The following requirements apply to APNs 005-210-001, -036, and -046, Areas B, C, and D in the Summerland Community Plan.~~
- ~~1. — **Findings required for architectural review.** All new development on Areas B, C, and D shall comply with the following objectives. Any development approval shall require that the County BAR first make all the following findings: (LU S WH 2.1)~~
- ~~a. — The development will have a compatible approach to signing, color, street furniture, lighting, landscaping, building height, color and style;~~

- b. ~~The development will present a harmonious massing of structures;~~
 - e. ~~The development will maximize open space and view corridors;~~
 - d. ~~The development will provide for the integration of natural open space and the built environment; and~~
 - e. ~~The development will provide for the preservation of rural residential and agricultural character of the area.~~
2. ~~**Landscaping standards.** Landscape materials shall include predominately native and low water using species. Landscaping of public open space areas shall allow for view enhancement and passive recreational use. A unified rural design shall be used for all landscaping, walls and fences and shall be approved by the Board of Architectural Review. (LU S WH 2.2)~~
 3. ~~**Setbacks and buffers.** Ample setbacks shall be provided from the street and from adjoining property lines to create a spacious rural setting and to provide an adequate buffer from sensitive habitat areas and agricultural uses to the east. (LU S WH 2.3)~~
 4. ~~**Grading requirements.**~~
 - a. ~~**Limitations on grading.** In order to minimize grading on slopes greater than 20 percent, no grading or development shall occur on those areas shown in the White Hole Knoll/Trails Map as "Constrained" except that access to Area B from Via Real and Area C from Greenwell would necessitate crossing small areas outside of the designated buildable area. (LU S WH 3.1)~~
 - b. ~~**Geology report.** For any development on slopes of 20 to 30 percent, a geologic investigation which addresses slopes and soil/geology hazards must be conducted. The conclusions of the investigation will be used by the review authority in considering the proposed development. (LU S WH 3.2)~~
 - e. ~~**Residential grading.** The individual dwelling units shall be designed to minimize grading and major land form alterations. Excessive grading to achieve views is not allowed. Grading of individual building pads access roads, and other earth disturbances shall not be done until the development has received BAR approval and all the necessary permits for the grading work have been issued. (LU S WH 3.3)~~
 5. ~~**Parking.** Public off street parking, which may be located on Areas B, C, or D, shall be sensitively designed and well landscaped to screen these areas from Via Real and Highway 101 and the community above. (LU S WH 3.4)~~
 6. ~~**Streets.** Precise alignment and design of local streets on Areas B, C and D shall be established during the Development Plan process; however, the following standards shall be followed: (LU S WH 4.1)~~
 - a. ~~Private streets are preferred to public streets. These streets should be minimal in size and rural in design; and~~
 - b. ~~Access points to Areas B, C and D from public roads shall be minimized.~~
 7. ~~**Street trees.** A street tree planting program that emphasizes natives shall be developed by the applicant during the Final Development Plan process and shall be approved by the BAR. (LU S WH 7.1)~~
 8. ~~**Use of "Constrained" areas.** Development rights to the "Constrained" areas as shown in the White Hole Knoll/Trails Map shall be dedicated as part of the discretionary approval process to the~~

~~County and/or may also be dedicated to an applicable non-profit entity, and shall remain in open space and be ensured as such by conditions of approval. A gap shall be allowed in the "Constrained" area shown on Figure 340-2 which will allow access to Area B through Area D off Via Real and to Area C off Greenwell. All areas designated as "Constrained" on the White Hole Knoll/Trails Map shall remain natural and undeveloped except for the following: (LU-S-WH-5.1)~~

- ~~a. Pedestrian/equestrian trails, benches and scenic lookout points;~~
- ~~b. Small scattered areas of landscaping (intent: primarily native landscaping);~~
- ~~c. In general, fences shall not be allowed along property lines, fences shall only be allowed to delineate public vs. private areas and immediately surrounding the residence and its associated private yard; and~~
- ~~d. Small directional/informational signs.~~

~~**9. Trail design.** The following criteria shall be used in the design of public trails within the White Hole areas identified by the Summerland Community Plan:~~

- ~~a. Trails shall accommodate pedestrians and equestrians;~~
- ~~b. Trails shall be a minimum of four feet wide and a maximum of 10 feet wide;~~
- ~~c. Trails shall be made of dirt, decomposed granite, or other unpaved and un-oiled surface;~~
- ~~d. Trail heads shall be located at public access areas along Via Real and/or Greenwell Avenue;~~
- ~~e. Signs shall be provided which indicate that vehicular use of the trails is prohibited and physical obstacles to motor vehicles shall be installed; and~~
- ~~f. Consistent with County Code Chapter 26, no structures or landscaping shall be placed within trail easement without specific approval by the County. Low growing native grasses may be acceptable for planting within the easement. (LU-S-WH-5.2)~~

Part 7 – Toro Canyon Plan Area Development Standards

Sections:

- Purpose
- Applicability
- Agricultural Preservation
- Agricultural Soils – Coastal Zone
- Air Quality
- Architectural Review Standards
- Biological Resources Preservation
- C-1 Zone Standards
- Circulation
- Construction Materials Recycling
- Cultural Resources Preservation
- Economically Viable Use Determination
- Fire Prevention
- Flood Hazard Mitigation
- Grading Standards and Geologic Hazard Mitigation
- Noise Standards
- Public Improvement Requirements
- Shoreline and Coastal Bluff Development

~~Subdivisions—Coastal zone
Visual Resources
Water Quality~~

Purpose

~~This Chapter provides development standards from the Toro Canyon Plan and the Coastal Land Use Plan.~~

Applicability

~~The provisions of this Chapter apply to subdivisions, development, and land uses within the boundaries of the Toro Canyon Plan, in addition to all other applicable requirements of this Development Code. These requirements apply both within and outside of the Coastal Zone, unless otherwise noted in a specific requirement.~~

Agricultural Preservation

~~**A. Non-agricultural uses on agricultural land.** Development of nonagricultural uses (other than residential uses and appropriately sited public trails) on land designated for agriculture, including land divisions and changes to a non-agricultural land use/zoning designation, shall only be permitted subject to all of the following findings: (LUA TC 2.1)~~

- ~~1. Continued or renewed agricultural use of the property is not feasible;~~
- ~~2. Nonagricultural use shall be compatible with continued agricultural use on adjacent lands;~~
- ~~3. Nonagricultural use shall preserve prime agricultural land or concentrate development contiguous with or in close proximity to existing developed areas able to accommodate the use, including adequate public services;~~
- ~~4. Nonagricultural use shall not have a significant adverse impact on biological resources, visual resources and coastal resources (public access, recreation and coastal dependent uses);~~
- ~~5. Land divisions outside the Urban Boundary shall be permitted only where 50 percent of the usable parcels in the urban area have been developed and the proposed parcels would be no smaller than the average size of the surrounding parcels. Land divisions proposed in the Coastal Zone shall be consistent with Coastal Plan Policy 8.4;~~
- ~~6. For properties located in the Coastal Zone, the proposed nonagricultural use shall be consistent with Coastal Plan Policies 8.2 and/or 8.3.~~

~~**B. Limitation on impervious surfaces.** To the maximum extent feasible, hardscaped areas associated with agricultural and greenhouse development (i.e., parking lots, loading bays, interior walkways in greenhouses, and accessory building footprints) shall be minimized in order to preserve the maximum amount of prime agricultural soils. Minimizing the covering of soils shall be accomplished through efficient site and building design and the use of pervious surfaces wherever feasible. (LUA TC 2.2)~~

~~**C. Agricultural buffers.** New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, including trees, shrubs, walls, and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel specific review on a case by case basis. (LUA TC 3.1)~~

~~**D. Right to farm notice – Inland areas.** As required by the County's Right to Farm Ordinance, a Notice to Property Owner (NTPO) shall be recorded with the final tract and/or parcel map for a property located outside of the Coastal Zone within 1,000 feet of agriculturally zoned land. The NTPO shall inform the buyer that:~~

~~The adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, including permitted oil development, and that any inconvenience or discomfort from properly conducted agricultural operations, including permitted oil development, shall be allowed consistent with the intent of the Right to Farm Ordinance. For further information, contact the Santa Barbara County Planning and Development Department. (LUA-TC-3.2)~~

~~Agricultural Soils—Coastal Zone~~

~~Within the coastal zone, in areas with prime agricultural soils, structures, including greenhouses that do not rely on in-ground cultivation, shall be sited to avoid prime soils to the maximum extent feasible.~~

~~Air Quality~~

- ~~**A. Dust control.** For any construction project that includes earth-moving activities, the construction contractor shall implement Air Pollution Control District dust control measures. (GEO-TC-5.1)~~
- ~~**B. Construction equipment emissions.** Prior to land-use clearance, the applicant shall agree to comply with any conditions recommended by the Air Pollution Control District to reduce emissions of reactive organic compounds (ROC) and oxides of nitrogen (NOx) from construction equipment during project grading and construction. (GEO-TC-5.2)~~

~~Architectural Review Standards~~

- ~~**A. Notice of Board of Architectural Review hearing.** Notice of a project's initial Board of Architectural Review hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the BAR hearing, using for this purpose the name and address of the owners and occupants as shown on the current County Assessors tax roll.~~
- ~~**B. Board of Architectural Review project review criteria.** The following criteria shall be applied for the approval of any non-agricultural structure by the Department and the Board of Architectural Review:~~
- ~~**1. Height limit.**~~
 - ~~**a. Maximum height.** A residential structure shall not exceed a height of 25 feet unless further restricted by other requirements of this Development Code (for example, the Ridgeline and Hillside Development Guidelines). A nonresidential structure shall not exceed the height limit established by the primary zone.~~
 - ~~**b. Documentation of exemptions.** Where height exemptions under Ridgeline and Hillside Development Guidelines are allowed for rural properties, Board of Architectural Review minutes and the Department project file shall include a written discussion of how the project meets the applicable exemption criteria.~~
 - ~~**2. Roof design.** Building rake and ridgeline shall conform to or reflect the surrounding terrain.~~
 - ~~**3. Understories and retaining walls.** Large understories and exposed retaining walls shall be minimized.~~
 - ~~**a.** Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.~~
 - ~~**b.** The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure 360-1 and Figure 360-2)~~

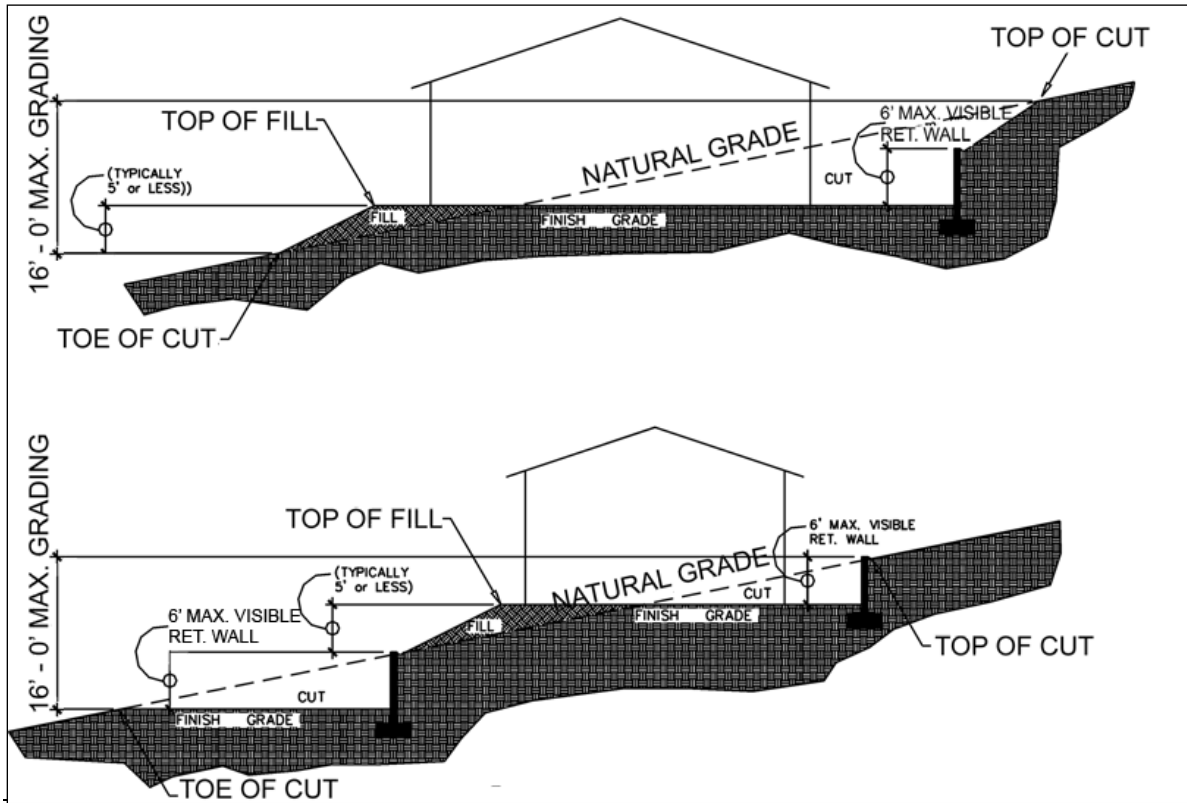


Figure 2-2—Total height as measured from the natural toe of the lowest fill slope

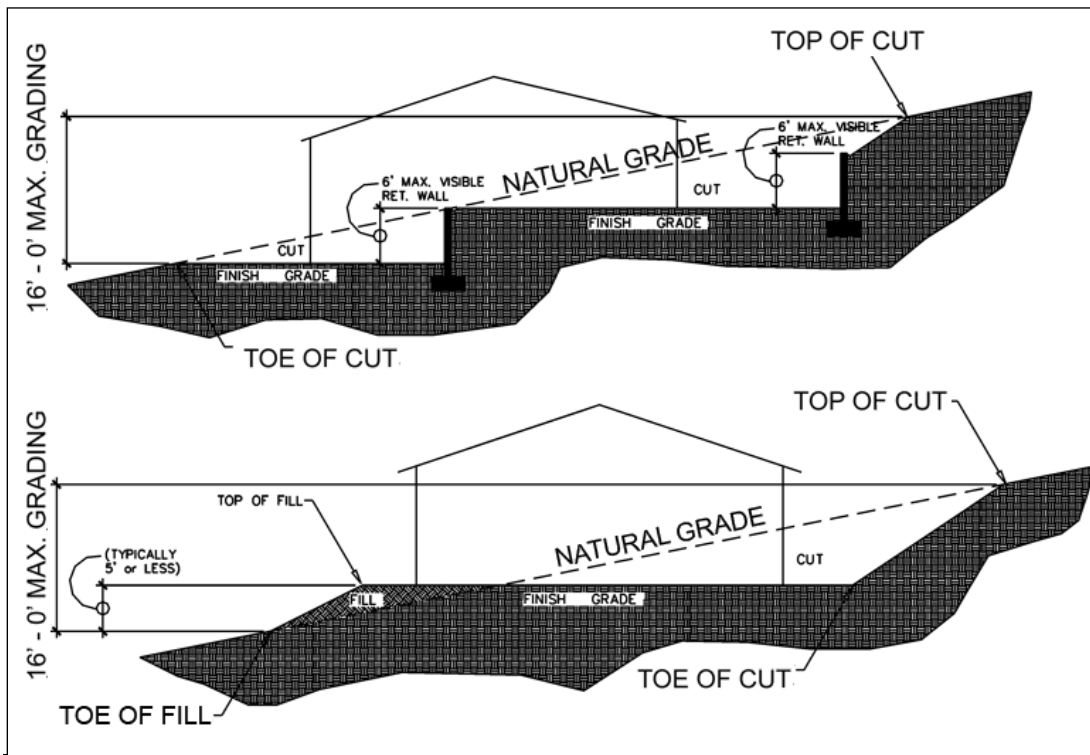


Figure 2-3—Total height as measured from the natural toe of the lowest cut slope

4. ~~**Landscaping.** Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.~~
 5. ~~**Exterior materials and paint.** The exterior surfaces of structures, including water tanks, walls and fences, shall be non reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non reflective.~~
 6. ~~**Outdoor lighting.** Outdoor lighting shall be minimized. Outdoor lighting shall be shielded, downward directed low level lighting consistent with Toro Canyon's rural and semi-rural character.~~
 7. ~~**Cut and fill height.** The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure 360-1) or the natural toe of the lowest cut slope (see Figure 360-2) to the top of the cut slope, shall be minimized. The total vertical height of any graded slope for a project, including the visible portion of any retaining wall above finished grade, shall not exceed 16 vertical feet.~~
- C. ~~**Exemptions.** Upon recommendation by the Board of Architectural Review, the Department may grant exemptions to criteria C.3.b and C.7 if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design, and 3) minimizes visual or aesthetic impacts.~~

Biological Resources Preservation

A. ~~Environmentally Sensitive Habitat (ESH) buffer requirements – Inland areas.~~

1. ~~**Extent of buffer required.** Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat.~~
 - a. ~~Southern Coast Live Oak Riparian Forest corridors – 100 feet in Rural areas and 50 feet in Urban, Inner Rural areas, and Existing Developed Rural Neighborhoods, as measured from the top of creek bank. When this habitat extends beyond the top of creek bank, which is the recognized geologic top of slope, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner Rural areas, and Existing Developed Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;~~
 - b. ~~Coast Live Oak Forests – A minimum of 25 feet from edge of canopy;~~
 - c. ~~Monarch butterfly habitat – A minimum 50 feet from any side of the habitat;~~
 - d. ~~Native grassland – A minimum one fourth acre in size – 25 feet;~~
 - e. ~~Coastal Sage – A minimum of 20 feet;~~
 - f. ~~Scrub oak chaparral – A minimum of 25 feet from edge of canopy;~~
 - g. ~~Wetlands – A minimum of 100 feet; and~~
 - h. ~~Buffer areas from other types of ESH areas shall be determined on a case by case basis.~~
2. ~~**Adjustments to buffer requirements.** The buffer areas required by Subsection A.1 above, except for Monarch butterfly habitat, wetlands and Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case by case basis given site specific conditions.~~
 - a. ~~Adjustment of the buffer shall be based upon site specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by The Department and other County agencies, such as Environmental Health Services and the Flood Control~~

District.

~~b. — Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish & Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands:~~

~~(1) — Existing vegetation, soil type and stability of the riparian corridors;~~

~~(2) — How surface water filters into the ground;~~

~~(3) — Slope of the land on either side of the riparian waterway;~~

~~(4) — Location of the 100 year flood plain boundary; and~~

~~(5) — Consistency with the adopted Coastal Land Use Plan or the Comprehensive Plan, particularly the Biological Resources policies.~~

~~— In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law. (BIO TC 1.4 Inland)~~

~~B. — Environmentally Sensitive Habitat buffer requirements – Coastal Zone.~~

~~1. — **Extent of buffer required.** Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat:~~

~~a. — Southern Coast Live Oak Riparian Forest corridors and streams—100 feet in Rural areas and 50 feet in Urban areas and Rural Neighborhoods, as measured from the outer edge of the canopy or the top of creek bank, whichever is greater (as used here, “top of creek bank” means “the recognized geologic top of slope”);~~

~~b. — Coast Live Oak Forests—25 feet from edge of canopy;~~

~~c. — Monarch butterfly habitat—minimum 50 feet from any side of the habitat;~~

~~d. — Native grassland, minimum 25 feet;~~

~~e. — Coastal Sage—minimum 20 feet;~~

~~f. — Scrub oak chaparral—25 feet from edge of canopy;~~

~~g. — Wetlands B—minimum 100 feet; and~~

~~h. — Buffer areas from other types of ESH shall be determined on a case by case basis.~~

~~2. — **Adjustments to buffer requirements.** The buffer for Southern Coast Live Oak Riparian Forests and streams may be adjusted upward or downward on a case by case basis given site specific conditions:~~

~~a. — Adjustment of the buffer shall be based upon site specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by the Department in consultation with other County agencies, such as Environmental Health Services and the Flood Control District.~~

~~b. — Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish & Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands:~~

- (1) Existing vegetation, soil type and stability of the riparian corridors;
- (2) How surface water filters into the ground;
- (3) Slope of the land on either side of the riparian waterway;
- (4) Location of the 100-year flood plain boundary; and
- (5) Consistency with the Coastal Land Use Plan or the Comprehensive Plan, particularly the Biological Resources policies. In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law. (BIO TC 1.4 Coastal)

3. Exemption from buffer requirements. The drainage ditches on the north side of Padaro Lane and south side of Santa Claus Lane, mapped as Wetland (not Environmentally Sensitive Habitat) on the Toro Canyon Plan Environmentally Sensitive Habitat Overlay Map, which were built to convey floodwaters, shall not be subject to the required wetland buffer and may be maintained by the Flood Control District. Maintenance shall not result in the enlargement, extension, or expansion of the existing drainage channels, but shall be limited to the removal of vegetation, debris, and sediment buildup. (BIO TC 1.9)

4. Buffer standards. Development in or adjacent to Environmentally Sensitive Habitat or Environmentally Sensitive Habitat Buffer shall meet the following standards:

- a. Wherever lighting associated with development adjacent to Environmentally Sensitive Habitat cannot be avoided, exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from Environmentally Sensitive Habitat in order to minimize impacts on wildlife. High intensity perimeter lighting or other light sources, e.g., lighting for sports courts or other private recreational facilities in Environmentally Sensitive Habitat, Environmentally Sensitive Habitat buffer, or where night lighting would increase illumination in Environmentally Sensitive Habitat shall be prohibited.
- b. New public accessways and trails located within or adjacent to Environmentally Sensitive Habitat shall be sited to minimize impacts to Environmentally Sensitive Habitat to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect Environmentally Sensitive Habitat. Where feasible, trails shall be sited to the outside of riparian areas with limited exceptions for crossings. Where no other feasible alternative exists, public accessways and trails may be a permitted use in Environmentally Sensitive Habitat Areas. When trail plans are developed and the most desirable location would result in trail segments adjacent to sensitive species habitats that may require seasonal closures, alternative trail connections shall be identified. Where seasonal closures occur, these alternative trail segments shall be used.
- c. The use of insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade Environmentally Sensitive Habitat, shall be prohibited within and adjacent to Environmentally Sensitive Habitat, where application of such substances would impact the Environmentally Sensitive Habitat, except where no other feasible alternative exists and where necessary to protect or enhance the habitat itself, such as eradication of invasive plant species, or habitat restoration. Application of such chemical substances shall not take place during the breeding/nesting season of sensitive species that may be affected by the proposed activities, winter season, or when rain is predicted within a week of application.

- d. ~~As a condition of approval of new development adjacent to coastal sage scrub and native grassland, the applicant shall plant the associated Environmentally Sensitive Habitat buffer areas with appropriate locally native plants. (BIO TC 1.7)~~

C. ~~Takings evaluation – Coastal Zone.~~

1. ~~If the application of the policies and standards contained in the Toro Canyon Plan or Local Coastal Program regarding use of property designated as an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer would likely constitute a taking of private property, then a use that is not consistent with the Environmentally Sensitive Habitat provisions of the Local Coastal Program shall be allowed on the property, provided such use is consistent with all other applicable policies and is the minimum amount of development necessary to avoid a taking as determined through an economic viability determination as required in Section 35.360.130 (Economic Viable Use Determination). In addition, the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer that cannot be avoided through the implementation of siting and design alternatives shall be mitigated to the maximum extent feasible, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to mitigate impacts onsite. Mitigation shall not substitute for implementation of the feasible project alternative that would avoid adverse impacts to Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer.~~
2. ~~To evaluate whether a restriction would not provide an economically viable use of property as a result of the application of the policies and standards contained in the Toro Canyon Plan or Local Coastal Program regarding use of property designated as an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer, an applicant must provide the information about resources present on the property that is needed to determine whether all of the property, or which specific area of the property, is subject to the restriction on development, so that the scope/nature of development that could be allowed on any portions of the property that are not subject to the restriction can be determined. (BIO TC 1.8)~~

D. ~~Restoration plan.~~ ~~Development requiring habitat enhancement in Environmentally Sensitive Habitat areas and habitat protection in ESH buffer areas, shall include preparation and implementation of a Restoration Plan limited to native plants. Local seed stock or cuttings propagated from the Toro Canyon region shall be used if available. (BIO TC 2.1)~~

E. ~~Non-invasive plants.~~

1. ~~**Inland areas.** Development otherwise requiring a landscape plan outside Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas, shall be limited to non-invasive plants within 500 feet from the Environmentally Sensitive Habitat resource (see Toro Canyon Plan Appendix H). (BIO TC 2.2 Inland)~~
2. ~~**Coastal Zone.** Development otherwise requiring a Landscape Plan outside Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas, shall utilize only non-invasive plants (see Toro Canyon Plan Appendix H). (BIO TC 2.2 Coastal)~~

F. ~~Habitat restoration – Coastal Zone.~~ ~~Habitat restoration and invasive plant eradication may be permitted within Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas if designed to protect and enhance habitat values provided that all activities occur outside of the breeding/nesting season of sensitive species that may be affected by the proposed activities. Habitat restoration activities shall use hand removal methods to the maximum extent feasible. Where removal by hand is not feasible, mechanical means may be allowed. Use of pesticides or other chemical techniques shall be avoided to the maximum extent feasible, and when determined to be necessary, shall include mitigation measures to ensure site specific application with no migration to the surrounding environment. (BIO TC 2.3)~~

~~G. — **Scale of development – Coastal Zone.** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motor courts and landscaping) to avoid disruption and fragmentation of biological resources in Environmentally Sensitive Habitat areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into Environmentally Sensitive Habitat areas, and redirect development runoff/drainage away from Environmentally Sensitive Habitat. Where appropriate, development applications for properties that contain or are adjacent to Environmentally Sensitive Habitat shall use development envelopes and/or other mapping tools and site delineation to protect the resource. (BIO-TC 4.1)~~

~~H. — **Fuel management.**~~

~~1. — **Inland areas.** Vegetation fuel management as required by the local fire protection agency shall be allowed within 100 feet from all structures on the property. Beyond 100 feet, vegetation fuel management within Environmentally Sensitive Habitat and the Environmentally Sensitive Habitat buffer areas to reduce fire hazards shall require a Fuel Management Plan approved by the Department and the local fire protection agency (see Fuel Management Guidelines in Appendix F). The Department may require that the plan be prepared by a qualified biologist to ensure that vegetation clearance/trimming minimizes the impacts to Environmentally Sensitive Habitat. (BIO-TC 7.7)~~

~~2. — **Coastal Zone.**~~

~~a. — Vegetation fuel management involving less than a cumulative total of one-half acre of land area is exempt from a Coastal Development Permit unless otherwise required by this Development Code in the Environmentally Sensitive Habitat overlay zone regulations (Section 35.28.090), general regulations for Tree Removal (Section 35.60.090), or general regulations for guidelines on repair and maintenance (Appendix G). (BIO-TC 4.2 Coastal)~~

~~b. — Significant vegetation fuel management within Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas implemented in association with existing development may be permitted where, subject to a coastal development permit, findings are made that fuel modification in Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer was minimized to the maximum extent feasible. New development requiring vegetation fuel management within Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas may only be permitted where, subject to a coastal development permit, findings are made that the proposed fuel modification overlaps fuel modification zones associated with existing legal development to the maximum extent feasible and/or that any fuel modification within Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer is the minimum amount necessary to protect the structures and that all feasible measures including reduction in scale of development, use of alternative materials, and siting have been implemented to reduce encroachment into Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer. The Coastal Development Permit shall include a Fuel Management Plan approved by The Department and the local fire protection agency (see Fuel Management Guidelines in Appendix F). The Department may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to Environmentally Sensitive Habitat. (BIO-TC 4.3)~~

~~I. — **Residential additions – Coastal Zone.** For existing lawfully constructed primary residences in Rural Neighborhoods located within Environmentally Sensitive Habitat buffer areas, structural additions shall be scaled, sited, and designed in compliance with the following standards:~~

~~1. — Second story additions shall be considered the preferred design alternative to avoid ground disturbance.~~

- ~~2.— Additions shall be allowed only if they are located a minimum of six feet from any oak or sycamore canopy dripline, do not require removal of oak or sycamore trees, do not require any additional pruning or limbing of oak or sycamore trees beyond what is currently required for the primary residence for life and safety, minimize disturbance to the root zones of oak or sycamore trees to the maximum extent feasible (e.g., through measures such as raised foundation or root bridges), preserve habitat trees for Monarch Butterflies and nesting raptors, and do not extend new areas of fuel modification into Environmentally Sensitive Habitat areas.~~
- ~~3.— Additions shall be located on portions of the structure located outside or away from the ESH. If the subject development cannot be located away from Environmentally Sensitive Habitat, then the extension of a ground level development footprint shall be denied.~~
- ~~4.— Improvements, including decomposed granite pathways or alternative patios, may be allowed in existing developed areas within the dripline of oak and sycamore trees if such improvement are permeable, and do not require compaction of soil in the root zone. (BIO-TC 5.1)~~

~~**J.— Vacant residential lots – Coastal Zone.** In Rural Neighborhoods, development on a vacant lot containing an Environmentally Sensitive Habitat shall comply with Subsections G, H, and I, and the applicable General Planning Area Environmentally Sensitive Habitat regulations. (BIO-TC 5.2)~~

~~**K.— Construction activities.**~~

- ~~1.— **Inland areas.** All construction activity, including but not limited to staging areas, storage of equipment and building materials, and employee vehicles, shall avoid disturbance to the Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas to the maximum extent feasible. (BIO-TC 7.8)~~
- ~~2.— **Coastal Zone.** All construction activity, including staging areas, storage of equipment and building materials, and employee vehicles, shall be prohibited in Environmentally Sensitive Habitat areas and to the maximum extent feasible shall be avoided in Environmentally Sensitive Habitat buffer areas. (BIO-TC 5.3)~~

~~**L.— Residential reconstruction – Coastal Zone.** A lawfully established structure that serves as a residence in a Rural Neighborhood, where the structure is located within an Environmentally Sensitive Habitat buffer area or adjacent to an Environmentally Sensitive Habitat, and is damaged due to normal wear and tear such as structural pest damage or dry rot, may be reconstructed to the same or lesser size (square footage, height, and bulk) in the same footprint. If the reconstructed residence is proposed to be larger than the existing structure, it may only be permitted where findings are made that such development shall not adversely impact the adjacent riparian species, meets all other provisions of this Plan and the LCP including development standards for native and non native protected tree species, and complies with Subsections I, J, and K.2. Reconstruction includes any project that results in the demolition of more than 50 percent of the exterior walls. (BIO-TC 5.4)~~

~~**M.— Sensitive Habitat Buffer – Inland areas.** Where development cannot be sited to avoid an Environmentally Sensitive Habitat, development in Environmentally Sensitive Habitat and Environmentally Sensitive Habitat buffer areas shall be designed and carried but in a manner that provides protection to the sensitive habitat areas to the maximum extent feasible. (BIO-TC 7.2)~~

~~**N.— Development siting – Inland areas.** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motor courts and landscaping) to avoid disruption and fragmentation of biological resources in Environmentally Sensitive Habitat areas, avoid or minimize removal of significant native vegetation and trees, preserve wildlife corridors, minimize fugitive lighting into Environmentally Sensitive Habitat areas, and redirect development runoff/drainage away from Environmentally Sensitive Habitat. Where appropriate, development envelopes and/or other mapping tools shall be used to protect the resource.~~

(BIO-TC 7.4)

~~**O. Structural additions – Inland areas.** For existing residential structures in any zone and existing agricultural support structures on agriculturally zoned property (as defined in the TCP overlay zone) located within designated Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer areas, structural additions shall be designed to minimize ground disturbance to protect the Environmentally Sensitive Habitat resource to the maximum extent feasible. Site design and appropriate scale of the addition shall conform to the following guidelines:~~

- ~~1. Second story additions shall be encouraged as a design alternative to avoid ground disturbance, subject to the visual resource standards in Section 35.360.230 (Visual Resources).~~
- ~~2. Where an existing structure is located only partially inside an Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer areas, dwelling unit additions should be located on those portions of the structure located outside or away from the Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer area.~~
- ~~3. Where the structural addition cannot avoid significant Environmentally Sensitive Habitat, a biological assessment may be required to determine the location of the addition that will result in the least disruption to the Environmentally Sensitive Habitat.~~
- ~~4. Where the structural addition cannot avoid the Environmentally Sensitive Habitat or Environmentally Sensitive Habitat buffer areas, enhancement of the Environmentally Sensitive Habitat resource may be required to offset the increased area of disturbance. (BIO-TC 7.5)~~

~~**P. Environmentally Sensitive Habitat development standards – Inland areas.** New development on parcels entirely covered with Environmentally Sensitive Habitat shall be subject to the following development standards to allow reasonable use of the property while protecting the habitat resource to the maximum extent feasible:~~

- ~~1. The area of permitted ground disturbance for development shall be proportional to the size of the parcel. No more than 20 percent of a parcel's total area should be disturbed by development, and at least 80 of the Environmentally Sensitive Habitat on the property should be preserved (for example, on a five acre parcel entirely covered with Environmentally Sensitive Habitat, no more than one acre should be disturbed by development including vegetation clearance for fire protection, and no less than four acres of Environmentally Sensitive Habitat should be preserved), in a manner consistent with all other policies and development standards of the Toro Canyon Plan and the Comprehensive Plan.~~
- ~~2. Main structure and accessory structures and uses, including roadways, landscaping and agricultural uses, shall be clustered in one contiguous area to avoid fragmenting the habitat.~~
- ~~3. Development shall be located adjacent to existing access roads and infrastructure to avoid fragmenting the habitat, subject to the requirements of Subsections P.1 and P.2 above, and a balancing of the policies and requirements of the Toro Canyon Plan, the Comprehensive Plan, and this Development Code. (BIO-TC 7.6)~~

~~**Q. Riparian forest buffer.** Development shall include the buffer for Southern Coast Live Oak Riparian Forest in Subsection A and B above. The buffer shall be indicated on all grading and building plans. Lighting associated with development adjacent to riparian habitat shall be directed away from the creek and shall be hooded. Drainage plans shall direct polluting drainage away from the creek or include appropriate filters, and erosion and sedimentation control plans shall be implemented during construction. All ground disturbance and native vegetation removal shall be minimized. (BIO-TC 11.1)~~

~~**R. Well water monitoring.** New permit applications that depend on alluvial well extractions or stream diversion shall be required to monitor the long term effects on surface streamflow and riparian vegetation.~~

~~Contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge, etc.) shall be identified and implemented as such measures may be needed to mitigate significant adverse impacts to an Environmentally Sensitive Habitat area. (BIO TC 11.2)~~

~~**S. Wildlife travel corridors.** Development shall not interrupt major wildlife travel corridors. Typical wildlife corridors include oak riparian forest and other natural areas that provide connections between communities. (BIO TC 12.1)~~

~~**T. Tree protection.**~~

~~**1. Site planning and design – Coastal Zone.** Development shall be sited and designed at an appropriate scale (size of main structure footprint, size and number of accessory structures/uses, and total areas of paving, motor courts and landscaping) to avoid damage to native protected trees (e.g., oaks), non native roosting and nesting trees, and non native protected trees by incorporating buffer areas, clustering, or other appropriate measures. Mature protected trees that have grown into the natural stature particular to the species should receive priority for preservation over other immature, protected trees. Where native protected trees are removed, they shall be replaced in a manner consistent with County standard conditions for tree replacement. Native trees shall be incorporated into site landscaping plans. (BIO TC 13.2)~~

~~**2. Root zone protection for native protected trees.** A "native protected tree" is at least six inches in diameter (largest diameter for non round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped), and a "nonnative protected tree" is at least 25 inches in diameter at this height. (BIO TC 13.1 Inland and BIO TC 13.1 Coastal)~~

~~**a. Inland area standard.** Areas to be protected from grading, paving, and other disturbances shall generally include the area six feet outside of tree driplines. (BIO TC 13.1 Inland)~~

~~**b. Coastal Zone standard.** Sufficient area shall be restricted from any associated grading to protect the critical root zones of native protected trees. (BIO TC 13.1 Coastal)~~

~~**U. Stream permits.** Development activity which requires ground disturbance which is proposed on parcels containing ephemeral (dry except during and immediately after rainfall) or intermittent (seasonal) streams and creeks, and associated riparian corridors, shall comply with any permit requirements of the California Department of Fish and Game and the United States Army Corps of Engineers. (BIO TC 15.1)~~

~~**V. Salmonid passage.** Development activity in streams and riparian corridors shall be subject to the "Guidelines for Salmonid Passage at Stream Crossings" prepared by the National Marine Fisheries Service (see Toro Canyon Plan Appendix G). (BIO TC 15.2)~~

~~**W. Response to violations.**~~

~~**1.** Where documented zoning violations result in the degradation of an ESH the applicant shall be required to prepare and implement a habitat restoration plan. In Inland areas, this regulation shall apply to violations that occur after Plan adoption. However, in Coastal areas this development standard shall apply to Environmentally Sensitive Habitat degraded in violation of the Local Coastal Program. (BIO TC 1.5)~~

~~**2.** Within the Coastal Zone, any area mapped, or otherwise identified through historic evidence, as ESH shall not be deprived of protection as Environmentally Sensitive Habitat, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated. (BIO TC 1.6)~~

~~**3.** The process for delineating the exact boundary of the Environmentally Sensitive Habitat occurs~~

during an application for development. In the inland areas, the Environmentally Sensitive Habitat Overlay regulations identify the methodology used to delineate the Environmentally Sensitive Habitat during the development application review process, and include procedures to review Environmentally Sensitive Habitat determinations (see Section 35.28.110 (Environmentally Sensitive Habitat Area - Toro Canyon (ESH-TCP) Overlay)). In the Coastal Zone, Local Coastal Program Policy 9-1 and the implementing Coastal zoning ordinance (Section 35.28.090 (Environmentally Sensitive Habitat Area (ESH) Overlay)) identify the process to delineate the Environmentally Sensitive Habitat. The County shall determine the physical extent of habitat meeting the definition of Environmentally Sensitive Habitat on the project site, based on a site-specific biological study as described in Section 35.28.110 (Environmentally Sensitive Habitat Area - Toro Canyon (ESH-TCP) Overlay), prepared by a qualified biologist or environmental specialist.

C-1 Zone Standards

A. Allowable land uses. The requirements of the C-1 in Chapter 35.24 (Commercial Zones) are modified by this Section for the purposes of the Toro Canyon Plan and Coastal Land Use Plan as follows:

1. Limitations on permitted uses. All uses listed as permitted in the C-1 zone in Chapter 35.24 shall be allowed in the Toro Canyon C-1 zone except as follows:

- a. A single family residence is not allowed where there is no commercial use;
- b. Residential structures and general practitioner's/professional offices are allowed only secondary to a primary commercial retail use.
 - (1) Retail uses shall be located in the more prominent locations of buildings including first floors fronting on pedestrian pathways, and/or where ocean views are available.
 - (2) Residential and professional office uses should be located on second floors, but if on the first floor, then not on the street facing part of the building.
 - (3) Office uses shall be in less prominent locations than retail uses on the same site;
- c. Financial institutions;
- d. Lodges shall only be allowed with a Major Conditional Use Permit, rather than as a permitted use;
- e. Seafood processing and video arcades shall be allowed only as secondary uses to a primary use such as a restaurant and only when conducted entirely within an enclosed building.

2. Additional permitted uses. In addition to the uses listed as permitted in the C-1 zone in Chapter 35.24, the following shall be permitted in the C-1 zone of Toro Canyon:

- a. Hotels and motels; and
- b. Mini mart/convenience stores.

3. Additional conditional uses. In addition to the uses allowed in the C-1 Zone District of this Article, overnight recreation vehicle facilities shall be permitted in the C-1 Zone District of Toro Canyon with a Major CUP.

B. Architectural standards. "Western Seaside Vernacular Commercial" is defined as follows:

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular are in Avila Beach and Stearns Wharf. The following are characteristics of

~~Western Seaside Vernacular architecture.~~

~~Orientation and Massing~~

~~Low massing
Little or no set back from sidewalk edge~~

~~Doors~~

~~Simple wood
Simple wood and glass
Simple French doors~~

~~Roofs~~

~~Flat
Pitched gable roofs, but not gambrel or mansard roofs~~

~~Siding~~

~~Board and batten
Beveled tongue and groove
Clapboard
Shingles~~

~~Roof Materials~~

~~Composition
Wood shingles, subject to the allowances and limitations of the County Building Code
Shingles made to resemble wood or slate~~

~~Colors~~

~~Weathered wood
Whitewash
Neutrals
Weathered colors~~

~~Windows~~

~~"Picture"
Horizontally oriented multi-paned
Multi-paned with wood sash and frames
Wood framed~~

Circulation

A. ~~Alternative modes of transportation.~~

- ~~1. In order to minimize vehicle trips to improve both transportation system efficiency and quality of life, transit, pedestrian, and bicycle access to commercial, recreational, and educational facilities shall be encouraged. (CIRC TC 1.6)~~
- ~~2. Development shall be evaluated, in compliance with applicable MTD standards, for possible need to contribute to new and/or upgraded public transit facilities that would benefit the development and its neighborhood. (CIRC TC 4.2)~~

B. ~~Road improvements and rural character.~~ ~~The County shall balance the need for new road improvements with protection of the area's semi rural character. All development shall be designed to respect the area's environment and minimize disruption of the semi rural character. (CIRC TC 1.5)~~

C. ~~Route 192/Foothill Road improvements - Coastal Zone.~~ ~~Improvements along Route 192/Foothill Road should be developed in a manner consistent with bicycle and pedestrian safety, and should be designed for improved bicycle access. (CIRC TC 1.7)~~

D. ~~Trails.~~ ~~Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on road development such as driveways along road shoulders with current or proposed trails. (PRT TC 2.6)~~

- ~~1. **Trail siting.** Public trails shall be sited and designed to avoid or minimize impacts to native habitat, areas of steep slopes, and/or highly erosive/sandy soils. Trails should follow existing dirt~~

road and trail alignments and use existing bridges. Where this is not possible, prior to final trail alignment, proposed trail routes should be surveyed and re-routed where necessary to avoid sensitive species, subject to final approval by the Department and the Parks Department. (BIO-TC-12.2)

2. ~~**Trail setback.**~~ Development adjacent to trail easements shall include setbacks and, where appropriate, landscaping to minimize conflicts between use of private property and public trail use. For off road trails outside of Urban and Rural Neighborhood areas, new structures shall be sited at least 50 feet from the edge of trail easements unless this would preclude reasonable use of property. (PRT-TC-3.1)
3. ~~**On-road trail design.**~~ On road trail development design shall maximize road shoulder width to separate trail users from vehicular traffic. (PRT-TC-3.2)

Construction Materials Recycling

Recycling bins shall be provided by the applicant or contractor at all construction sites. All recyclable materials currently being accepted at the County Transfer Station, landfill, or recycling centers shall be collected for recycling at construction sites. Adequate and accessible enclosures and/or areas shall be provided for the storage of recyclable materials in appropriate containers. (PS-TC-1.3)

Cultural Resources Preservation

- A. ~~**Archaeological survey.**~~ A Phase 1 archaeological survey shall be performed when identified as necessary by a county archaeologist or contract archaeologist or if a county archaeological sensitivity map identifies the need for a study. The survey shall include areas of projects that would result in ground disturbances, except where legal ground disturbance has previously occurred. If the archaeologist performing the Phase I report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short form Phase I report may be submitted. (HA-TC-1.1)
- B. ~~**Archaeological recommendations.**~~ All feasible recommendations of an archaeological report analysis including completion of additional archaeological analysis (Phase 2, Phase 3) and/or project redesign shall be incorporated into any permit issued for development. (HA-TC-1.2)
- C. ~~**Native American consultation – Coastal Zone.**~~ The County shall consult with the Native American Heritage Commission, State Historic Preservation Officer, and the Most Likely Descendant during each stage of the cultural resources review to determine whether the project may have an adverse impact on an important cultural resource. (HA-TC-1.4)
- D. ~~**Historic preservation – Inland areas.**~~ No permits shall be issued for any inland area development or activity that would adversely affect the historic value of the properties listed in Toro Canyon Plan Table 13, unless a professional evaluation of the proposal has been performed pursuant to the County's most current *Regulations Governing Archaeological and Historical Projects*, reviewed and approved by the Department, and all feasible mitigation measures have been incorporated into the proposal. (HA-TC-2.3)

Economically Viable Use Determination

- A. ~~**When required.**~~ If it is asserted that the application of the policies and standards contained in the Local Coastal Program regarding use of property within the Toro Canyon Plan area would constitute a taking of private property, the applicant shall apply for an economic viability determination in conjunction with their coastal development permit application and shall be subject to the provisions of this Section.
- B. ~~**Application requirements.**~~ The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a coastal development permit and economic

viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

1. ~~The date the applicant purchased or otherwise acquired the property, and from whom;~~
2. ~~The purchase price paid by the applicant for the property;~~
3. ~~The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at the time;~~
4. ~~The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition;~~
5. ~~Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection d above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition;~~
6. ~~Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.~~
7. ~~A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased;~~
8. ~~Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware;~~
9. ~~Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price;~~
10. ~~The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs;~~
11. ~~Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income; and~~
12. ~~Any additional information that the County requires to make the determination.~~

Fire Prevention

A. ~~Site planning.~~

1. ~~**Inland areas.** Development shall be sited to minimize exposure to fire hazards and reduce the need for grading and clearance of native vegetation to the maximum extent feasible. Each building site should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zones on the property (see Appendix F). (FIRE TC 2.2)~~
2. ~~**Coastal Zone.** Development shall be sited to minimize exposure to fire hazards and reduce the need for grading, fuel modification (including thinning of vegetation and limbing of trees), and clearance of native vegetation to the maximum extent feasible. Building sites should be located in areas of a parcel's lowest fire hazard, and should minimize the need for long and/or steep access~~

roads and/or driveways. Properties subject to high fire hazards requiring fuel breaks to protect the proposed structures shall use the Fuel Management Guidelines to establish fuel management zones on the property (see Appendix F). (FIRE TC 2.2)

- B. Subdivision map application requirements.** An application for parcel or tract map approval in a high fire hazard area shall include a fuel management plan for review during the permit review process. The plan shall be subject to final review and approval by the Department and the applicable Fire District before recordation of the final map. (FIRE TC 2.3)
- C. Emergency access.** Two routes of ingress and egress shall be required for discretionary permits for subdivisions involving five or more lots to provide emergency access unless the applicable fire district waives/modifies the requirement and documents findings for the waiver/modification with the County. For discretionary permits for subdivisions involving fewer than five lots, the permit application shall identify a secondary ingress and egress route for review by the appropriate Planning and Development Department decision maker. This secondary route may be a consideration in the siting and design of the new development. (FIRE TC 2.4)
- D. Road width.** All private roads and driveways serving development, including subdivision or additional residential units on one lot, shall be constructed to the minimum roadway width requirement of the CSFPD or MFPD unless the applicable fire district waives or modifies the requirement and provides the Department with documentation of the findings for the waiver or modification. (FIRE TC 2.5)
- E. Fire hydrants.** Development requiring fire hydrants in the Plan area shall maintain the required residual water pressure and hydrant spacing standards of the CSFPD or MFPD unless the applicable fire district waives or modifies the requirement and provides the Department documentation of findings for the waiver or modification. (FIRE TC 2.6)
- F. Fire resistant construction.** Development within or adjacent to high fire hazard areas shall include the use of fire prevention measures such as fire retardant roof materials, sprinklers, and water storage consistent with county and state regulations for fire resistant construction, and the respective fire district standards of the CSFPD and MFPD. (FIRE TC 2.7)
- G. Fuel breaks.** Fuel breaks shall incorporate perimeter roads and yards to the greatest extent feasible. Development envelopes containing new structures and the area of site disturbance shall be sited to reduce the need for fuel breaks (see Fuel Management Guidelines in Appendix F). (FIRE TC 3.1)
- 1. Tree protection.** Fuel breaks shall not result in the removal of protected healthy oaks, to the maximum extent feasible. Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved. (FIRE TC 3.2)
- 2. Biological resources protection.**
- a. Inland areas.** Fuel management within Inland Environmentally Sensitive Habitat (ESH) and the ESH buffer areas comply with the biological resources standards in Subsection 35.360.080.P (ESH development standards—Inland areas). (FIRE TC 3.3)
- b. Coastal zone.** Fuel management within Coastal Environmentally Sensitive Habitat (ESH) and the ESH buffer areas shall be subject to the biological resources in Subsection 35.360.080.H.2.a and Subsection 35.360.080.H.2.b. (FIRE TC 3.4)

Flood Hazard Mitigation

- A. Development within floodways.** Development shall not be allowed within a floodway except in

compliance with County Code Chapters 15A and 15B, any other applicable statutes or ordinances, and all applicable policies of the Comprehensive Plan and Local Coastal Program including but not limited to policies regarding biological resources. (FLD TC 1.1)

B. — Development within floodplains.

1. — **Inland areas.** No development shall be permitted within the floodplains of Toro, Picay, Garrapata, or Arroyo Paredon Creeks unless such development would be necessary to:
 - a. — Permit reasonable use of property while mitigating to the maximum extent feasible the disturbance or removal of significant riparian/wetland vegetation; or
 - b. — Accomplish a major public policy goal of the Toro Canyon Plan or other beneficial projects approved by the Board of Supervisors. (FLD TC 1.2)
2. — **Coastal Zone.** No development shall be permitted within the floodplains of Toro, Picay, Garrapata, or Arroyo Paredon Creeks unless the development would be necessary to permit reasonable use of property while mitigating to the maximum extent feasible the disturbance or removal of significant riparian/wetland vegetation. Floodplain development also shall be consistent with the Coastal Act and the Local Coastal Program. (FLD TC 1.2)

C. — Foundation requirements.

1. — **Inland areas.** Development requiring raised finished floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material, where feasible. (FLD TC 1.3)
2. — **Coastal Zone.** Development requiring raised finished floor elevations in areas prone to flooding shall be constructed on raised foundations rather than fill material unless it can be demonstrated that the foundation on fill would not increase the base flood elevation within the floodway pursuant to FEMA regulations. (FLD TC 1.3)

D. — Flood Control District review. Development within floodplain areas or with potential drainage issues shall be subject to Flood Control District review and approval. (FLD TC 1.4)

E. — Flood Protection Projects — Coastal Zone. Any channelization, stream alteration, or desiltation/dredging projects permitted for flood protection shall only be approved where there is no other feasible alternative and consistent with the following:

1. — Flood control protection shall be the least environmentally damaging alternative consistent with all applicable policies of the Local Coastal Program and shall consider less intrusive solutions as a first priority over engineering structural solutions. Less intrusive measures (e.g., biostructures, vegetation, and soil bioengineering) shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels. "Hardbank" measures (e.g., use of concrete, riprap, gabion baskets) or channel redirection may be permitted only if all less intrusive flood control efforts have been considered and have been found to be technically infeasible.
2. — The project shall include maximum feasible mitigation measures to mitigate unavoidable adverse impacts. Where hardbank channelization is required, site restoration and mitigation on or adjacent to the stream channel shall be required, subject to a restoration plan.
3. — Flood control measures shall not diminish stream capacity, or adversely change percolation rates or habitat values. (FLD TC 1.6)

F. — Erosion control. Development shall incorporate sedimentation traps or other effective measures to minimize the erosion of soils into natural and manmade drainages, where feasible. Development adjacent to stream channels shall be required to install check dams or other erosion control measures deemed appropriate by Flood Control and the Department to minimize channel down cutting and erosion. To the

~~maximum extent feasible, all these structures shall be designed to avoid impacts to riparian vegetation. (FLD-TC 2.1)~~

~~**G. Grading and drainage plans.** Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of the plans shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. The plans shall be reviewed and approved by both County Flood Control and the Department. (FLD-TC 2.2)~~

~~**H. Drainage outlets.** Drainage outlets into creek channels shall be constructed in a manner that causes outlet flow to approximate the general direction of natural stream flow. Energy dissipaters beneath outlet points shall be incorporated where appropriate, and shall be designed to minimize erosion and habitat impacts. (FLD-TC 2.3)~~

~~**I. Restoration plans.** To the greatest extent feasible, native vegetation used to restore creek banks shall be incorporated into the landscape plan for the entire site in order to provide visual and biological continuity. All restoration plans shall be reviewed by the Flood Control District for compliance with the County Floodplain Management Ordinance 3898, for consistency with Flood Control District access and maintenance needs, and for consistency with current flood plain management and environmental protection goals. (FLD-TC 4.1)~~

Grading Standards and Geologic Hazard Mitigation

~~**A. Limitations on grading.** Grading for development, including primary and accessory structures, access roads (public and private) and driveways, shall be kept to a minimum and shall be performed in a way that minimizes scarring, and maintains to the maximum extent feasible the natural appearance of ridgelines and hillsides. (VIS-TC 2.2)~~

~~1. Excavation and grading for development shall be limited to the dry season of the year (i.e., April 15 to November 1) unless an approved erosion control plan is in place and all measures therein are in effect. (FLD-TC 2.5)~~

~~2. Excessive grading for the sole purpose of creating or enhancing views shall not be permitted. Typically, grading should not place more than five feet of fill above natural grade. (GEO-TC 6)~~

~~**B. Sloping site development limitations.**~~

~~1. **Inland areas.** Development shall be prohibited on slopes greater than 30 percent unless this would prevent reasonable use of property. In areas of unstable soils, highly erosive soils, or on slopes between 20 percent and 30 percent, development shall not be allowed unless an evaluation by a qualified professional (e.g., soils engineer, geologist, etc.) establishes that the proposed project will not result in unstable slopes or severe erosion, or unless this would prevent reasonable use of property. Grading and other site preparation shall be minimized to the maximum extent feasible. (GEO-TC 1.1)~~

~~2. **Coastal Zone.** Development shall be prohibited on slopes greater than 30 percent except for the following, unless this would prevent reasonable use of property.~~

~~a. Driveways and/or utilities may be located on the slopes, where there is no less environmentally damaging feasible alternative means of providing access to a building site, provided that the building site is determined to be the preferred alternative and consistent with all other policies of the Local Coastal Program.~~

~~b. Where all feasible building sites are constrained by greater than 30 percent slopes, the uses of the property and the siting, design, and size of any development approved on parcels, shall be limited, restricted, and/or conditioned to minimize impacts to coastal waters, downstream properties, and rural character on and adjacent to the property, to the maximum extent feasible. In no case shall the approved development exceed the maximum allowable development area. The maximum allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites include areas of greater than 30 percent slope shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. Mitigation of adverse impacts to hillside stability, coastal waters, downstream properties, and rural character that cannot be avoided through the implementation of siting and design alternatives shall be required. (GEO TC 1.1)~~

~~C. **Landscape plan.** In order to minimize erosion, landscape plans shall be required for development on slopes greater than 20 percent. The plans shall include revegetation of graded areas with appropriate native plantings. Landscape plans may be subject to review and approval by the Board of Architectural Review. (GEO TC 1.2)~~

~~D. **Illegal vegetation removal – Coastal Zone.** The County shall not recognize unauthorized vegetation removal or grading, and shall not predicate any approval on the basis that vegetation has been illegally removed or degraded. (GEO TC 1.3)~~

~~E. **Erosion control during construction.** Temporary erosion control measures including berms and appropriate location and coverage of stockpiled soils shall be used to minimize on and offsite erosion related to construction occurring during the rainy season (November 1 to April 15). (GEO TC 2.1)~~

~~F. **Revegetation.**~~

~~1. Where feasible, development on previously cleared slopes that show scarring or significant disturbance shall include plans for appropriate revegetation of the affected areas. (GEO TC 2.2)~~

~~2. Revegetation and/or landscaping of project sites shall be accomplished as soon as is feasible following grading/vegetation clearing in order to hold soils in place. (GEO TC 2.3)~~

~~G. **Geologic investigations.** The County shall require site specific geologic and/or geotechnical investigations, prepared as appropriate by a Registered Geologist, Certified Engineering Geologist, and/or licensed Geotechnical Engineer, on sites that are on or adjacent to faults, landslides, or other geologic hazards or in any case where development is proposed in areas where natural grade is 20 percent or greater. Sites underlain by the potentially unstable Sespe Formation are of particular concern. Where applicable, the measures recommended to avoid or mitigate geologic hazards shall be incorporated into the proposed development in a manner that avoids or minimizes any potential adverse effects of such measures (for example, hillside scarring). (GEO TC 3.1)~~

~~H. **Active faults.** Structures shall be prohibited within 50 feet of an Active or Potentially Active fault. All structures shall be built according to Seismic Zone IV standards or such other standards as may be in effect at the time of development. The County may require additional special engineering features to minimize potential structural damage from fault rupture for any structure that may be exposed to seismic hazards. (GEO TC 3.2)~~

~~I. **Roads and driveways – Engineering review.** All roads and driveways proposed on areas where natural grade is 20 percent or greater shall be reviewed for adequacy of engineering and drainage design, including but not limited to failure avoidance and erosion control. (GEO TC 3.3)~~

Noise Standards

~~A. **Hours of construction, and equipment maintenance.** Construction activities and construction~~

~~equipment maintenance within 1,600 feet of a residential use shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. (LUG TC 5.1)~~

- ~~**B. Noise limitations - Stationary construction equipment.** Stationary construction equipment that could generate noise exceeding 65 dB(A) at a project site boundary shall be shielded to the satisfaction of the Department, and shall be located a minimum of 200 feet from sensitive receptors. (LUG TC 5.2)~~

Public Improvement Requirements

- ~~**A. Santa Claus Lane Sidewalk.** Commercial development on Santa Claus Lane shall incorporate a sidewalk that is contiguous and visually compatible with sidewalks in front of neighboring businesses as well as other necessary street and drainage improvements in accordance with Road Department standards and any approved Streetscape Plan for Santa Claus Lane. (C TC 1.2)~~

Shoreline and Coastal Bluff Development

- ~~**A. Shoreline and bluff development.** Shoreline and bluff development and protection structures shall comply with the following standards:~~
- ~~1. New development on a beach or oceanfront bluff shall be sited outside areas subject to hazards (beach or bluff erosion, inundation, wave uprush) at any time during the full projected 75 year economic life of the development. If complete avoidance of hazard areas is not feasible, all new beach or oceanfront bluff development shall be elevated above the base Flood Elevation (as defined by FEMA) and setback as far landward as possible. Development plans shall consider hazards currently affecting the property as well as hazards that can be anticipated over the life of the structure, including hazards associated with anticipated future changes in sea level.~~
 - ~~2. New development on or along the shoreline or a coastal bluff shall site septic systems as far landward as possible in order to avoid the need for protective devices to the maximum extent feasible. Shoreline and bluff protection structures shall not be permitted to protect new development, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible. New development includes demolition and rebuild of structures, substantial remodels, and redevelopment of the site.~~
 - ~~3. Repair and maintenance of legal shoreline protection devices may be permitted, provided that such repair and maintenance shall not increase either the previously permitted height or previously permitted seaward extent of such devices (for devices that pre-date permit requirements, this would be the as-built height and seaward extent of the structure), and shall not increase any interference with legal public coastal access.~~
 - ~~4. All shoreline protection structures shall be sited as far landward as feasible regardless of the location of protective devices on adjacent lots. In no circumstance shall a shoreline protection structure be permitted to be located further seaward than a stringline drawn between the nearest adjacent corners of protection structures on adjacent lots. A stringline shall be utilized only when such development is found to be infill and when it is demonstrated that locating the shoreline protection structure further landward is not feasible.~~
 - ~~5. Where it is determined to be necessary to provide shoreline protection for an existing residential structure built at sand level a "vertical" seawall shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative. New shoreline protection devices may be permitted where consistent with the Coastal Act and Coastal Plan Policy 3-1, and where:
 - ~~a. The device is necessary to protect development that legally existed prior to the effective date~~~~

of the coastal portion of the Toro Canyon Plan; or

- b. ~~The device is proposed to fill a gap between existing shoreline protection devices and the proposed device is consistent with the height and seaward extent of the nearest existing devices on upcoast and downcoast properties.~~

~~Repair and maintenance, including replacement, of legal shoreline protection devices may be permitted, provided that such repair and maintenance shall not increase either the previously permitted height or previously permitted seaward extent of such devices (for devices that pre-date permit requirements, this would be the as-built height and seaward extent of the structure), and shall not increase any interference with legal public coastal access. (GEO TC 4.3)~~

B. ~~Bluff drainage.~~ ~~Where possible, all drainage from shoreline bluff top properties shall be conveyed to the nearest roadway or drainage course. Where drainage must be conveyed over the bluff face, drainage lines shall be combined with those of neighboring parcels where possible, and shall be sited and designed to minimize the physical and visual disruption of the bluff and beach area. (GEO TC 4.2)~~

C. ~~Erosion avoidance.~~ ~~Development proposed for shoreline properties shall avoid or minimize erosion by minimizing irrigation, using culverts and drainage pipes to convey runoff, using sewers if available rather than septic systems, and other appropriate means. (GEO TC 4.1)~~

D. ~~Beach/oceanfront development.~~ ~~Where new development is approved on a beach or oceanfront bluff, conditions of approval shall include the following as applicable.~~

1. ~~For development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, the property owner shall be required to execute and record a deed restriction which acknowledges and assumes said risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.~~

2. ~~For any new shoreline protection structure, or repairs or additions to a shoreline protection structure, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under Coastal Act Section 30235. The restrictions shall also acknowledge that the intended purpose of the subject structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the County determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure.~~

3. ~~For new development on a vacant beachfront or blufftop lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed to not require a shoreline protection structure as part of the proposed development or at any time during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist in compliance with Public Resources Code Section 30235. (GEO TC 4.4)~~

Subdivisions – Coastal Zone

Land divisions, including lot line adjustments and conditional certificates of compliance, shall only be permitted if each parcel being established could be developed without adversely impacting resources, consistent with Toro Canyon Plan policies and other applicable provisions.

Visual Resources

A. Site planning and project design. Development shall be sited and designed to minimize the obstruction or degradation of public views, and to accomplish the following. (VIS TC 1.1)

1. Development shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues. (VIS TC 1.2)
2. Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features such as major rock outcroppings, mature trees and woodlands, drainage courses, visually prominent slopes and hilltops, ridgelines, and coastal bluff areas. (VIS TC 2.1)

B. Ridgeline development.

1. **Inland areas.** In urban areas, development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases. (VIS TC 1.3)
2. **Coastal Zone.** Development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases. (VIS TC 1.3)

C. Vegetation clearance.

1. **Inland areas.** Consistent with applicable ordinances, policies, development standards, and the Constrained Site Guidelines, structures shall be sited and designed to minimize the need for vegetation clearance for fuel management zone buffers. Where feasible, necessary roads and driveways shall be used as or incorporated into fuel management zones. (VIS TC 2.3)
2. **Coastal Zone.** Structures shall be sited and designed to minimize the need for vegetation clearance for fuel management zone buffers. Where feasible, necessary roads and driveways shall be used as or incorporated into fuel management zones. (VIS TC 2.3)

Water Quality

A. Site planning and wastewater facilities. To the maximum extent feasible, development shall be sited and designed to avoid the use of wastewater system features (e.g. lift stations and grinder pumps) that require more maintenance than gravity fed laterals or septic systems and whose failure could result in the contamination of surface or groundwater or potential health hazards. Gravity flow of wastewater to septic tank and disposal fields must be available when new lots to be served by septic systems are created. Unless it would preclude reasonable use of property, private operation and maintenance of lift stations and grinder pumps is prohibited. (WW TC 1.2)

~~B. Sewer service.~~ For development proposing public sewer service, prior to approving land use clearance and/or recording final maps, adequate wastewater treatment and disposal capacity (based on County and RWQCB accepted figures) shall be demonstrated for the Carpinteria Sanitary District or Montecito Sanitary District, as appropriate, to serve the specific project along with other approved development. (WW TC 1.3)

~~C. Septic systems.~~ Septic system installations shall only occur on parcels that are free of site characteristics listed under "VIII.D.3.i. Individual, Alternative and Community Systems Prohibitions" in the Water Quality Control Plan for Central Coast Basin, Region 3 by the Regional Water Quality Control Board. Adherence to this standard and any other more restrictive applicable standards or zoning regulations as well as the County Wastewater Ordinance shall constitute a finding of consistency with Land Use Development Policy 4 and Coastal Plan Policy 2-6 with regard to wastewater service. (WW TC 1.1)

~~1. Septic system location.~~

~~a.~~ Septic systems and other potential sources of water pollution shall be a minimum of 100 feet from the geologic top of slope of tributary or creek banks (reference point as defined by the Department and Environmental Health Services). Modifications to existing sources of potential water pollution shall meet this buffer to the maximum extent feasible. (WW TC 2.5)

~~b.~~ Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, unless this would preclude reasonable use of property. (WW TC 2.7)

~~2. Disposal fields.~~ To reduce the possibility of prolonged effluent daylighting, two disposal fields shall be built to serve each septic system as required by EHS so that when one field begins to fail, the other field can immediately be put into use. An additional third expansion area shall be set aside where no development can occur, except for driveways on constrained sites as provided below in Subsection C.4.a. In the expansion area, a disposal field should be constructed when any other disposal field is in a state of failure. (WW TC 2.1)

~~3. Remodeling requirements.~~ For remodels of plumbed structures where the existing septic system must be enlarged or where septic system repairs are required due to failure, in addition to the enlargement and/or repair of the existing septic system, an additional disposal field shall be installed to the maximum extent feasible. (WW TC 2.2)

~~4. Nitrate filtration~~ Where feasible, measures to decrease the amount of nitrates filtering through soil to groundwater shall be required, including:

~~a.~~ Shallow rooted non invasive plants (maximum root depth of four feet) shall be planted above all leach fields to encourage evapotranspiration of effluent and uptake of nitrates. Impervious surfaces, such as paved driveways, shall not be constructed above leach fields. If site constraints require a driveway to be located above a leach field in order to ensure reasonable use of property, turf block or other suitable pervious surface shall be used.

~~b.~~ Advanced treatment for the removal of nitrates shall be required on septic systems utilizing drywells as the disposal field. Existing septic systems that utilize drywells that have failed, or that need to be modified or certified, must also install advanced treatment. (WW TC 2.3)

~~D. On-site sewage disposal systems - Coastal Zone.~~

~~1.~~ Development that includes one or more new on-site treatment systems or expansion of existing on-site treatment systems, with a subsurface sewage effluent dispersal system that is within 100 feet of a beach, shall provide secondary or tertiary effluent treatment prior to discharging to that dispersal system.

2. ~~Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, unless this would preclude reasonable use of property. Where such development is approved to allow reasonable use of property, it shall provide for secondary or tertiary effluent treatment prior to discharging to any subsurface sewage effluent dispersal system. (WW TC 2.8)~~

E. ~~Runoff water quality.~~

1. ~~**Limitation of impervious surfaces.** Development shall be designed to reduce runoff from the site by minimizing impervious surfaces, using pervious or porous surfaces, and minimizing contiguous impervious areas. (WW TC 2.9)~~
2. ~~**Pollutant reduction in storm water runoff.** Development shall incorporate best management practices to reduce pollutants in storm water runoff. The best management practices may include dry wells for roof drainage or other roof downspout infiltration systems, modular paving, unit pavers on sand or other porous pavement for driveways, patios or parking areas, multiple purpose detention systems, cisterns, structural devices (e.g., grease, silt, sediment, and trash traps), sand filters, or vegetated treatment systems (e.g. bioswales/filters). (WW TC 2.10)~~
3. ~~**Pollutant reduction in construction site runoff.** Construction Best Management Practices shall be included on drainage plans and/or erosion control plans and implemented to prevent contamination of runoff from construction sites. These practices shall include, but are not limited to, appropriate storage areas for pesticides and chemicals, use of washout areas to prevent drainage of wash water to storm drains or surface waters, erosion and sediment control measures, and storage and maintenance of equipment away from storm drains and water courses. (WW TC 2.11)~~

F. ~~Animal facility waste management program.~~ ~~Discretionary development to house or manage animals must have a waste management program prepared according to Environmental Health Services' Guidelines for Management of Animal Wastes and approved by the Environmental Health Services Division. (WW TC 2.4)~~

G. ~~Water conserving features in landscape plans.~~ ~~In cases where landscape plans are required for development, they shall include appropriate water conserving features such as those listed in the Water Resources section of the County's *Standard Conditions of Approval* and *Standard Mitigation Measures*. (WW TC 3.2)~~

ATTACHMENT 21

Permitting Guide for Development of Onshore Oil and Gas Reservoirs Within State-Designated Oilfields, ~~Inland Area~~

	Activity	Permit Type	Section	Remarks
1. Grading / Trenching				
a.	Grading - <50 yd ³ (cut or fill)	Exempt	35.20 040	Exempt except for special problems (arch., bio., etc.).
b.	Grading - 50 to 1,500 yd ³	Exempt	35.20 040	Planning stamps grading plans “exempt” prior to issuance of grading permit.
c.	Grading - >1,500 yd ³	LUP	35.20 100	All grading over 1,500 yd ³ requires a Land Use Permit (LUP).
d.	Trenching - <500 yd ³	Exempt	35.20.040	Exempt since less than 1,500 yd ³ .
e.	Trenching - >500 yd ³	Exempt/LUP	35.20.040	Exempt, if less than 1,500 yd ³ , subject to the same requirements of 1a, 1b and 1c
2. Wells				
a.	Drilling a new well	LUP/PP	35.52.050.C	Usually a LUP. Could require a Production Plan (PP) if not consistent with Section 35.52.050.C.
b.	Restarting an idle well (within an active lease)	Exempt/LUP/PP	35.101 (Nonconforming) /35.52.050.C	If well was issued a LUP when originally drilled and is located in a zone allowing production, then exempt. If a company has a LUP for the entire lease area, no additional permit is required to start or stop idle wells or equipment unless the entire lease area has not produced for a period of five years. If the entire lease area has not produced for five years, then restarting an idle well or facility requires a LUP or PP as described above in 2a. Some zones allow reactivation only after approval of a Major Conditional Use Permit (CUP).
c.	Recompleting a well	Exempt		Exempt, based on DOGGR authority for down-hole activity.
d.	Abandoning a well	Exempt	35.52.050.B.1.m	Exempt, unless PP contained conditions for abandonment.
3. Facilities				
a.	Adding a new tank battery	LUP/FDP	35.82.110.B.2	Requires at least a LUP but may require a Final Development Plan (FDP) if over 20,000 sf (or additions of 10,000 sf that total 20,000 sf) in compliance with the Development Code. Square footage determined by area of structures, not developed area.
b.	Replacement/reconfiguration of vessels, load racks, compressors, flares, etc.	Exempt/LUP	35.82.100.B	LUP required unless equipment is permitted in compliance with a valid LUP for the entire lease area.
c.	Adding vessels, loading racks, compressors (<25 hp), etc.	Exempt/LUP	35.20.040.B.2	Accessory equipment incidental to existing production facilities does not require a LUP where no grading or site expansion is required.
d.	Adding compressors (>25 hp), flares, etc.	LUP	35.82.110	The additions require a LUP.
e.	Flow/gathering pipelines incidental to oil and gas production (within DOGGR field)	Exempt/LUP		Within appropriate zones, the flow and gathering lines (up to the first tank battery or separation facility) are incidental to production operations, are exempt in compliance with Section 35.52.050 and are considered accessory equipment to the main land use.
f.	All pipelines not incidental to oil and gas production operations per Section 35.52.050	FDP and LUP	35.52.080.A	FDP required per Development Code. Incidental refers to all interconnecting flow lines and gathering lines within a DOGGR field.

Permitting Guide

	Activity	Permit Type	Section	Remarks
g.	Adding/modifying vessels for liquid or dry batch treatment system (or similar system) for H ₂ S	Commission determination	35.52.050.A.10	Although sulfur removal is considered treatment per definition (Chapter 35.110), the Commission can determine that a batch treatment system is incidental to production operations when limited to production from a single lease. In the future, this requirement may be revised to allow the Director to make this determination or to process a FDP where the Director is the review authority for other “treatment” systems.
h.	Adding or modifying an amine or regenerative /ReDox system (or similar system) for H ₂ S	FDP and LUP	35.52.060	Sulfur removal considered treatment per definition (Chapter 35.110), therefore requires a FDP

4. Maintenance

a.	Reconstructing a tank	Exempt	35.20.040	Exempt
b.	Replacing a tank with a tank of larger volume	Exempt/LUP	35.82.110.B	LUP required in compliance with Section 35.82.110 if an LUP has not been previously issued for the lease area.
c.	Replacing a tank with a tank having the same or smaller volume	Exempt/LUP	35.82.110.B	LUP required in compliance with Section 35.82.110 if an LUP has not been previously issued for the lease area.

5. Gas Plants

a.	Constructing a new liquids fractionation plant	Final DP	35.52.080	Final DP approved by Commission. Applies only to facilities fractionating NGLs into specific products such as propane, butane, and gasoline. Subject to Siting Gas Processing Facilities Study and NGL Transportation Policy.
b.	Constructing a new refrigeration plant	FDP or CUP	35.52.050.A.10	Refrigeration considered processing per definition (Chapter 35.110), therefore subject to Section 35.52.060. Requires either a FDP or a CUP depending on the zone. Could be permitted with a LUP if Commission determines that a refrigeration system is incidental to production operations (per 3f above). Subject to Siting Gas Processing Facilities Study and NGL Transportation Policy. Applies to facilities/plants recovering NGLs from natural gas.
c.	Reactivating an existing refrigeration plant	FDP or CUP	35.52.050.A.10	Same criteria for restarting in 2b above applies. If use has been discontinued for 12 months is not in compliance with a valid LUP for the entire lease area, then a new permit as noted in 6b above is required. Plant should adhere to NGL Transportation Policy intent.

6. Steam Injection Plants

a.	Constructing a new steam injection operation	PP	35.52.050.C.2.b	If fresh water is used, permit requires approval by the Commission.
b.	Reactivation of an existing steam injection operation	PP	35.52.050.C.2.b	If fresh water is used for steam/flooding, and if no PP was previously approved, then a permit is required prior to steam injection use.
c.	Abandonment		35.52.050.1.m	Must comply with development standards.
d.	Abandoning complete facility		35.52.050.1.m	Must comply with development standards.