

**ATTACHMENT 9:**

**ARTICLE II CZO ORDINANCE AMENDMENT**

**THIS PAGE LEFT BLANK INTENTIONALLY**

## ATTACHMENT 9: ARTICLE II CZO ORDINANCE AMENDMENT

### ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 5, OVERLAY DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, DIVISION 11, PERMIT PROCEDURES, AND APPENDIX G, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ONSITE SEWAGE DISPOSAL SYSTEMS, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00004

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

#### **SECTION 1:**

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-51, Applicability and Exemptions, to read as follows:

##### **Section 35-51. Applicability and Exemptions.**

Any person (including the County, any utility, any federal, state, local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Zone of the unincorporated area of the County of Santa Barbara shall comply with the provisions of this Article with the following exceptions:

1. 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 U.S.C. Section 1453, Federal Coastal Zone Management Act of 1972)
2. 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. (Public Resources Code Section 25500 and 30264)
3. Any development proposed or undertaken within any state university or college. (Public Resources Code Section 30519)
4. Repair and maintenance, other than that within an environmentally sensitive habitat area, undertaken by the County or any district or agency of which the Board of Supervisors of County is the governing body.

#### **SECTION 2:**

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-51A titled "Allowable Development and Planning Permit Requirements" and to read as follows:

##### **Section 35-51A Allowable Development and Planning Permit Requirements.**

- A. Allowable land uses.** The land uses allowed by this Article in each zone and overlay zone are listed in Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities), together with the type of planning permit required for each use.

- 1. Establishment of an allowable use.** Any land use identified by Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities) as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements identified in Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities), as applicable, and compliance with all applicable requirements of this Article, unless the approval and/or issuance of a planning permit is not required in compliance with Section 35-51B (Exemptions from Planning Permit Requirements).
- 2. Use not listed.** A land use not listed Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 8 (Services, Utilities and Other Related Facilities) and Division 9 (Oil and Gas Facilities) as being allowable within a specific 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.** The Commission may determine that a proposed use not listed in this Article is allowable in compliance with [Section 35-179C \(Use Determinations\)](#) in the following zone districts:
  - a. Applicable zones:**
    - 1) C-1 (Limited Commercial);
    - 2) C-2 (Retail Commercial);
    - 3) CH (Highway Commercial);
    - 4) M-RP (Industrial Research Park);
    - 5) PU (Public Utilities);
    - 6) REC (Recreation); and
    - 7) TC (Transportation Corridor).
  - b. Applicable standards and permit requirements.** When the Commission 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 Article apply.
  - c. Medical Marijuana Dispensaries.** Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with [Section 35-179C \(Use Determinations\)](#).

### **SECTION 3:**

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-51B titled “Exemptions from Planning Permit Requirements” and to read as follows:

#### **Section 35-57B Exemptions from Planning Permit Requirements.**

- 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 Article 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 Article, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, [Division 10 \(Nonconforming Structures and Uses\)](#); and
  2. Any permit or approval required by regulations other than this Article is obtained (for example, a

Building Permit and/or Grading Permit).

**B. Exempt activities and structures.** The following types of development are exempt from the requirements of this Article to obtain a Coastal Development Permit, except as noted below. Development that does not qualify as an exempt activity or structure in compliance with this Subsection A (Exempt activities and structures) may still be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits).

**1. Exemption does not apply.** An exemption for the types of development described in Subsections B.2 through B.5, B.9 and B.11, below, shall not apply, and a Coastal Development Permit shall be required in addition to any other required planning permit, where:

- a. The development or structure is located within or adjacent to a wetland, stream, beach, environmentally sensitive habitat area, or on or within 300 feet of a coastal bluff, or within areas designated in the Coastal Land Use Plan as highly scenic; or
- b. Any significant alteration of land forms, including removal or placement of vegetation, occurs on a beach, wetland, stream, or sand dune, or within 50 feet of the edge of a coastal bluff, in environmentally sensitive habitat areas; or
- c. The development or structure may result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); or
- d. The development or structure may result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways; or
- e. On property that is located 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 of the sea where there is no beach, whichever is the greater distance, or in designated significant scenic resources areas, a development results in:
  - 1) An increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to the exemption in Subsection B.2 (Improvements to a structure, other than a public works facility), below, or the analogous exemption in Coastal Act (PRC § 30610(a) or (b)), which would result in a total increase in floor area of 10 percent or more, and/or
  - 2) An increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as a garage.
- f. The improvement is to a non-residential structure and changes the intensity of use of the structure.
- g. The improvement is to a structure where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or County indicated that any future improvements would require a Coastal Development Permit.
- h. In areas which the County or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified water-using development not essential to residential use including swimming pools, or the construction or extension of any landscaping irrigation system.
- i. The development includes an expansion or construction of water wells or septic systems.

**2. Improvements to a structure, other than a public works facility.** The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Subsection A.1 (Exemption does not apply), above. For purposes of this Subsection A (Exempt activities and uses), where there is an existing structure, other than a public works facility, (1) all fixtures and other

structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

- 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, roof area does not exceed 120 square feet, and the structure does not have electrical, gas, or plumbing facilities.
- b. 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 Section 35-144G (Noncommercial Telecommunications Facilities).
- c. Change of occupancy or use.** A change in occupancy or use of an existing structure that complies with all of the following:

  - 1) The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
  - 2) The change is from a land use listed as a permitted use in the applicable zone in Division 4 (Zoning Districts) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
  - 3) The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
  - 4) 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 Article, including any required provisions and conditions of any existing, approved permits for the subject lot.
  - 5) Any permit or approval required by regulations other than this Article is obtained (for example, a Building Permit and/or Grading Permit).
- d. 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.
- e. Doors, windows, 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.
- f. Fences, gates, gateposts, and walls.** See Section 35-123 (Fences, Walls and Gate Posts).
- g. Exterior parking.** Exterior parking on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-117A.1.
- h. Grading.** Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.
- i. Interior alterations.** Interior alterations that do not result in any of the following:

  - 1) A conversion from non-habitable area to habitable area.
  - 2) An increase in the gross floor area within the structure.
  - 3) An increase the required number of parking spaces.
  - 4) A change in the permitted use of the structure.
- j. Onsite wastewater treatment systems.** 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.

**k. Propane tanks.** Propane tanks located in residential or agricultural zones.

**l. Replacement in-kind of an existing and conforming structure.** The replacement in-kind of an existing permitted and conforming structure provided:

- 1) 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.2.1, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
- 2) 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.
- 3) 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.

**m. Seismic retrofits.** 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.

**n. Signs, flags, and similar devices.**

- 1) Signs, flags and similar devices that are exempt from a permit in compliance with Section 35-138 (Signs and Advertising Structures), provided the development does not exceed a maximum height of 35 feet and is not lighted.
- 2) Signs that may be permitted in compliance with Section 35-138 (Signs and Advertising Structures) that are proposed to be affixed to existing, lawfully constructed structures.

**o. Solar energy systems.** The addition of solar energy systems to the roofs of existing lawful structures.

**p. 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.

**q. Storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-144K.C.

**r. Structures of limited value.** Except for telecommunications facilities regulated under Sections 35-144F (Commercial Telecommunication Facilities) and Section 35-144G (Non-commercial Telecommunication Facilities), structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

**s. Trailer storage.** The storage of a trailer as an accessory use to residential use in compliance with Section 35-132.10.6.

**3. Agricultural activities.** As part of existing, on-going lawfully established agricultural operations, the following development and uses are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Subsection B.1 (Exemption does not apply), above.

- a. Agricultural accessory structures.**

  - 1) One story detached accessory structures used as tool or storage sheds and similar structures, provided that the height does not exceed 12 feet, roof area does not exceed 120 square feet, and the structure does not have electrical, gas or plumbing facilities.
  - 2) In the AG-I, AG-II and RR 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.
  - 3) In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.
- b. Agricultural product sales.** See Section 35-131 (Agricultural Sales).
- c. Fences, gates, gateposts, and walls.** See Section 35-123 (Fences, Walls and Gate Posts).
- d. Grading.** Grading activities of 50 cubic yards or less that do not require the approval of a Grading Permit.
- e. Irrigation lines.** The installation of irrigation lines provided the approval of a Grading Permit is not required.
- f. Propane tanks.** Propane tanks located in residential or agricultural zones.
- g. Signs, flags, and similar devices.**

  - 1) Signs, flags and similar devices in compliance with Section 35-138 (Signs and Advertising Structures), provided the development does not exceed a maximum height of 35 feet and is not lighted.
  - 2) Signs that may be permitted in compliance with Section 35-138 (Signs and Advertising Structures) that are proposed to be affixed to existing, lawfully constructed structures.
- h. Structures of limited value.** Except for telecommunications facilities regulated under Sections 35-144F (Commercial Telecommunication Facilities) and 35-144G (Non-commercial Telecommunication Facilities), structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.
- 4. 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.
- 5. Drywells.** Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.
- 6. 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 provided a Coastal Development Permit was approved in conjunction with the approval of the Tentative Map and the Coastal Development Permit has not expired.
- 7. Lot Line Adjustment recordation.** The recordation of documents required to complete a Lot Line Adjustment provided a Coastal Development Permit was approved in conjunction with the approval of the Lot Line Adjustment and the Coastal Development Permit has not expired.
- 8. Repair and maintenance.**

  - a. Repair and maintenance activities are exempt from the requirement to obtain a Coastal Development Permit, except as provided in Subsection B.8.b, below, provided the activities:

    - 1) Do not result in addition to, or enlargement or expansion of the object of the repair or maintenance activities; and
    - 2) Comply with Appendix C (County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development) of this Article herein incorporated by reference.



- b. The exemption in Subsection B.8.a above shall not apply to the extraordinary methods of repair and maintenance which require a Coastal Development Permit because they involve a risk of adverse environmental impact as described in Section III of Appendix C (County Guidelines on Repair and Maintenance, and Utility Connection to Permitted Development) of this Article herein incorporated by reference.
- 9. Retaining walls.** Retaining walls (retaining earth only) that are not over four feet in height measured from the bottom of the footing to the top of the wall and does not require a Grading Permit in compliance with County Code Chapter 14.
- 10. Structure Destroyed By Natural Disaster.**
- a. **Damaged or destroyed structure.** In compliance with the intent of Public Resources Code Section 30610(g) and this Development Code, the restoration or reconstruction of a conforming structure (other than a public works facility) damaged or destroyed by a disaster, as determined by the Director. For the purposes of this Section only, disaster is defined as a situation in which the force or forces that destroyed the structure to be replaced were beyond the control of the owners.
- 1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use as the destroyed structure, shall be in the same footprint location, and shall not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section, "structure" shall include landscaping and any erosion control structure or device; and bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
- 2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review), if the structure is otherwise required to be reviewed by the Board of Architectural Review (for example, the site is within the Design Control (D) Overlay District).
- 11. Temporary Events and Filming.**
- a. **Temporary Events.** See Section 35-137 (Temporary Uses).
- b. **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.
- 12. Tidelands, submerged lands, or public trust lands.** Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Public Resources Code Section 30519).
- 13. 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 granted a Coastal Development Permit provided the installation, testing, placement in service, or replacement is in compliance with Appendix C (County Guidelines on Repair and Maintenance and Utility Connection to Permitted Development).

#### **SECTION 4:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-58, Definitions, to amend the existing definition of “Cabaña,” and “Street Frontage” to read as follows:

**Cabaña:** A building, the use of which is incidental and accessory to the use of the beach, a swimming pool, or sports court (e.g., tennis, basketball, handball, and other similar facility); that may include bathrooms, but does not include sleeping quarters or cooking facilities.

## **SECTION 5:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-58, Definitions, to add the following new definitions of “Community Care Facility,” “Day Care,” “Groundwater,” “Public Safety Facility,” “Special Problems Area,” “Sports Court” and “Wastewater Treatment System” to read as follows:

**Community Care Facility:** Any facility, place or building that 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.

**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 State or the County unless they are able to operate legally without a license in compliance with State and County 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.

**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.

**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.

**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 Court:** A structure which consists of a hardscape or other surface having a minimum size of 20 feet by 50 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.

**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.

## **SECTION 6:**

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35-58, Definitions, to delete the existing definitions of “Child Care Center, Non-residential,” “Child Care Center, Residential,” “Child Care Facility,” “Day Care Center,” “Family Day Care,” “Family Day Care Home, Large,” “Family Day Care Home, Small,” “Farm Labor Camp” and “Wastewater Treatment System, Alternative.”

**SECTION 7:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-68.3, Permitted Uses, of Section 35-68, AG-I - Agriculture I, to read as follows:

10. Special Care Homes, subject to the provisions of Section 35-143-4: (Community Care Facilities).

**SECTION 8:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 4 of Section 35-68.4, Uses Permitted with a Major Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, to read as follows:

4. ~~Farm labor camps, including trailers, for housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations).~~

Agricultural employee dwellings, including trailers, providing housing for five or more employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

**SECTION 9:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1 of Section 35-68.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-68, AG-I - Agriculture I, to read as follows:

1. ~~Additional dwellings for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located provided:~~
  - a. ~~The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings, to support such use; and~~
  - b. ~~The applicant provides proof of the full time employment of the employees.~~

Agricultural employee dwellings, not including trailers, providing housing for four or fewer employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

**SECTION 10:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 11 of Section 35-69.3, Permitted Uses, of Section 35-69, AG-II - Agriculture I, to read as follows:

11. Special Care Homes, subject to the provisions of Section 35-143-4: (Community Care Facilities).

### **SECTION 11:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 8 of Section 35-69.4, Uses Permitted with a Major Conditional Use Permit, of Section 35-69, AG-II - Agriculture II, to read as follows:

8. ~~Farm labor camps, including trailers, for housing five or more persons engaged full time in agriculture working on or off the farm or ranch upon which the dwelling(s) is located, subject to the provisions of Section 35-132.9 (General Regulations).~~

Agricultural employee dwellings, including trailers, providing housing for five or more employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

### **SECTION 12:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1 of Section 35-69.5, Uses Permitted with a Minor Conditional Use Permit, of Section 35-69, AG-II - Agriculture II, to read as follows:

1. ~~Additional dwellings for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located provided:~~
  - a. ~~The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support such use; and~~
  - b. ~~The applicant provides proof of the full time employment of the employees.~~

Agricultural employee dwellings, not including trailers, providing housing for four or fewer employees in compliance with Section 35-144R (Agricultural Employee Dwellings).

### **SECTION 13:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-70.3, Permitted Uses, of Section 35-70, RR - Rural Residential, to read as follows:

10. ~~Special Care Homes, subject to the provisions of Section 35-143.4. (Community Care Facilities).~~

### **SECTION 14:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 9 of Section 35-71.3, Permitted Uses, of Section 35-71, R-1/E-1 - Single-Family Residential, to read as follows:

9. ~~Special Care Homes, subject to the provisions of Section 35-143.4. (Community Care Facilities).~~

### **SECTION 15:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Section 35-72.3, Permitted Uses, of Section 35-72, R-2 - Two Family Residential, to read as follows:

2. ~~Special Care Homes, subject to the provisions of Section 35-143.4. (Community Care Facilities).~~

## **SECTION 16:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-73.3, Permitted Uses, of Section 35-73, EX-1 - Exclusive Residential, to read as follows:

10. Special Care Homes, subject to the provisions of Section 35-143-4. (Community Care Facilities).

## **SECTION 17:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 9 of Section 35-74.4, Permitted Uses, of Section 35-74, DR - Design Residential, to read as follows:

9. Special Care Homes, subject to the provisions of Section 35-143-4. (Community Care Facilities).

## **SECTION 18:**

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 7 of Section 35-75.7, Permitted Uses, of Section 35-75, PRD - Planned Residential Development, to read as follows:

7. Special Care Homes, subject to the provisions of Section 35-143-4. (Community Care Facilities).

## **SECTION 19:**

DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-95, FA - Flood Hazard Area Overlay District, to read as follows:

### **Section 35-95. FA - Flood Hazard Area Overlay District.**

#### ***Section 35-95.1 Purpose and Intent.***

~~The purpose of this overlay district is to promote the public health, safety, and welfare, and to minimize public and private losses due to flood conditions in areas within the 100 year flood plain (the flood having a one percent chance of being equaled or exceeded in any given year). The intent of this district is to avoid exposing new development to flood hazard 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.~~

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).

#### ***Section 35-95.2 Affect of the FA Overlay District Applicability.***

~~Within the FA Overlay District, all uses of land shall comply with the regulations of the base zone district and any "development" as defined in Chapter 15A, Flood Plain Management of the County Code shall comply with the additional regulations set forth in said chapter.~~

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.

**Section 35-95.3 Permit and Processing Requirements.**

~~All development subject to the provisions of this overlay district shall be referred to the County Building Official for issuance of a "Development Permit" under the provisions of Chapter 15A, Flood Plain Management of the County Code prior to the issuance of any Coastal Development Permits by the Planning and Development Department. If the Building Official, after referral to and recommendation from the Flood Control and Water Conservation District, determines that the proposed development is not within the 100-year flood plain (or area of special flood hazard as defined in Chapter 15A), no "Development Permit" as defined under Chapter 15A shall be required.~~

1. **Referral and determination.** Prior to the approval of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) for all development subject to the FA Overlay Zone:

  - a. The applicant shall be referred to the Flood Control District Agency for a determination as to whether the development is subject to the requirements of County Code Chapter 15A. If the Flood Control District Agency determines that the proposed development is subject to Chapter 15A, then the development shall comply with the requirements of Chapter 15A.

~~After obtaining the "Development Permit" or receiving exemption from the said Flood Control District, the proposed development shall be subject to the Coastal Development Permit procedures as required in the applicable base zone district.~~

- b. The applicant shall obtain the appropriate clearance or receive a written exemption from the Flood Control Agency.

**SECTION 20:**

DIVISION 5, Overlay Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Section 35-100.6, Additional Land Use Guidelines, of Section 35-100, F - Airport Approach Overlay District, to read as follows:

- ~~2. Any use located within any Clear Zone which involves the storage of more than 10 gallons of flammable liquids or hazardous materials shall, prior to the issuance of a Land Use Permit, be reviewed by the Fire Department(s) providing inspection and/or emergency response service to the site. No Land Use Permit(s) shall be issued unless and until the potential hazards associated with the storage of such materials are mitigated to the reasonable satisfaction of said Fire Department(s).~~

Prior to the approval of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) 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.

## **SECTION 21:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 12 or Section 35-120, Guest House, Artist Studio, or Pool House/Cabaña, to read as follows:

12. ~~A cabaña may be approved in conjunction with a proposed pool or sport court (see definition of cabaña) provided that construction of the proposed pool or sport court is completed prior to or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the beach.~~

**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 located directly adjacent to the sea.

- a. **Definition of swimming pool.** For the purposes of this Subsection 12 (Cabaña), swimming pool is defined as any open 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:
- 1) Hot tubs, spas, including swim spas, and similar facilities.
  - 2) Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
  - 3) Portable, inflatable, and wading pools.
- b. **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 and used 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 cabaña 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.
- c. **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.

## **SECTION 22:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-132.8, Use of Trailers for Single-Family dwellings for Full Time Farm Workers in All Zone Districts; Not Including Labor Camps, of Section 35-132, Trailer Use, to read as follows:

***Section 35-132.8. ~~Use of Trailers for Single-Family Dwellings for Full Time Farm Workers in All Zone Districts; Not Including Labor Camps~~ Agricultural Employee Dwellings Not Including Farmworker Housing.***

~~Trailers may be used as single family dwellings in all zoning districts for not to exceed four employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the trailer(s) is located pursuant to the approval of a Minor Conditional Use Permit under Section 35-172 and the issuance of a Coastal Development Permit under Section 35-169 provided:~~

Not including Farmworker Housing permitted in compliance with Section 35-144P (Farmworker Housing),



trailers may be used as dwellings for agricultural employees in compliance with Section 35-144R (Agricultural Employee Dwellings) and in compliance with the following permit requirements and development standards:

1. **Zones where allowed.**

- a. Trailers may be used as single-family dwellings in all zoning districts for not to exceed four employees.
- b. Trailers may be used as single-family dwellings in the AG-II zoning district for five or more employees.

2. The permittee complies with the State Mobile Home Act.

~~2~~ 3. The trailer(s) complies with the applicable setbacks and distance between buildings required for buildings or building separation requirements required for structures of the zone district in which the trailer is located.

~~3.~~ ~~The permittee can document the existing and proposed agricultural use of the property and demonstrates a need for additional dwellings to support such use.~~

~~4.~~ ~~The permittee provides proof of the full time employment of the proposed resident(s) of the trailers. Such proof shall be to the satisfaction of Planning and Development in the form of any one or combination of the following:~~

- ~~a. Employer's income tax return.~~
- ~~b. Employee's pay receipts.~~
- ~~c. Employee's W 2 form.~~
- ~~d. Notarized contract between applicant and employee which delineates work to be performed and wages to be received.~~
- ~~e. Employer's DE 3.~~
- ~~f. Other option approved by Planning and Development.~~

~~Said proof of full time employment of the employee(s) residing in the trailer(s) shall be also be provided (1) every five years beginning from the issuance of the Coastal Development Permit or for the farm employee trailer(s) or (2) if the occupancy of the trailer changes, upon the change in occupancy and every five years thereafter. Failure to provide said proof of full time employment shall be cause for revocation of the Minor Conditional Use Permit and Coastal Development Permit.~~

~~5~~ 4. ~~Minor Conditional Use Permit and Coastal Development Permit approved or issued pursuant to this section shall contain~~ The permit includes a condition that ~~requires that~~ the trailer shall be removed from the premises within six months following the discontinuance of use of the premises for agricultural purposes.

**SECTION 23:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-132.9, Use of Trailers for Housing in Farm Labor Camps in the Agriculture II District, of Section 35-132, Trailer Use, and reserve the Section number for future use.

**SECTION 24:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-134, Lot Line Adjustments, to read as follows:

## **Section 35-134. Lot Line Adjustments.**

**A. Purpose and applicability.** ~~This section establishes the standards for the approval for a Lot Line Adjustment in the County consistent with this Article and Comprehensive Plan, and Chapter 21 of the County Code pursuant to the State Subdivision Map Act, Section 66412. The provisions of this Section 35-134 and the procedures and requirements contained in County Code Chapter 21, Subdivision Ordinance, shall apply to all applications for Lot Line Adjustments undertaken in the unincorporated area of the County of Santa Barbara. A Lot Line Adjustment is development under the Santa Barbara County Local Program and the Coastal Act. A Lot Line Adjustment application shall only be approved provided the following Findings are made:~~

This Section establishes standards for the approval of a Lot Line Adjustment consistent with this Article, the Coastal Land Use Plan and Comprehensive Plan, and County Code Chapter 21 (Land Division), in compliance with Section 66412 of the State Subdivision Map Act. The provisions of this Section and the procedures and requirements in County Code Chapter 21 shall apply to all applications for Lot Line Adjustments. A Lot Line Adjustment is development under the Santa Barbara County Local Coastal Program and the Coastal Act.

~~A. A Lot Line Adjustment application shall only be approved provided the following findings are made:~~

**B. Required findings for approval.** ~~The approval of a Lot Line Adjustment application shall require that the decision-maker first make all of the following findings.~~

- ~~1. The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara. The Lot Line Adjustment is in conformity with all applicable provisions of the Coastal Land Use Plan and Comprehensive Plan and this Article.~~
- ~~2. No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.~~

### **Minimum lot area and minimum lot width.**

- ~~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.~~
- ~~b. **Minimum lot width.** No lot involved in the Lot Line Adjustment whose lot width is equal to or greater than the minimum lot width requirement of the applicable zone shall become smaller than the minimum lot width requirement of the applicable zone as a result of the Lot Line Adjustment.~~
- ~~3. Except as provided herein in this Section, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with Subsection a. or b. listed below:~~

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 satisfies all of the following requirements:~~

- ~~1) Four or fewer existing parcels are involved in the adjustment; and,~~
- ~~a. 2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and, lot involved in the lot line adjustment.~~
- ~~b. 3) The Lot Line Adjustment shall will not result in a greater number of residential~~

~~residentially~~ developable ~~parcels~~ ~~lots~~ than existed prior to the adjustment. For the purposes of this ~~subsection~~ Subsection B.3 only, a ~~parcel~~ lot shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the ~~parcel~~ lot is not a building site, or 2) the ~~parcel~~ lot is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A ~~parcel~~ lot shall be deemed residentially developable for the purposes of this ~~subsection~~ Subsection B.3 if it has an existing single one-family dwelling constructed pursuant to in compliance with a valid County permit, or existing and proposed lots comply with all of the following criteria.

~~Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:~~

~~a) — Water Supply. The parcel 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 company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.~~

1) **Water supply.** The lot shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows:

a) **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**

b) **A Public Health Department or State approved water system.**

~~b) — Sewage Disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.~~

2) **Sewage disposal.** The lot is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer 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) e) **Access.** The ~~parcel~~ 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) e) **Slope Stability.** Development of the ~~parcel~~ lot including infrastructure avoids slopes of 30 percent and greater.

5) e) **Agriculture Viability.** Development of the ~~parcel~~ lot shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.

6) f) **Environmental Sensitive Habitat.** Development of the ~~parcel~~ lot avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.

7) g) **Hazards.** Development of the ~~parcel~~ lot shall not result in a hazard to life and

property. Potential hazards include, ~~but are not limited to~~ flood, geologic and fire.

- 8) h) Consistency with the Coastal Land Use Plan and Comprehensive Plan and zoning ordinances this Article.** Development of the ~~parcel~~ lot is consistent with the setback, lot coverage and parking requirements of ~~the zoning ordinance~~ this Article and consistent with the Coastal Land Use Plan and 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 ~~the parcel(s)~~ a lot is deemed not to be residentially developable, a statement of this finding shall be recorded concurrently with the deed of the ~~parcel~~ lot, pursuant to Section 21-92, (Procedures), of County Code Chapter 21 (Land Division). ~~(Note: Section 21-92 is located in Chapter 21 of the Santa Barbara County Code.)~~

4. The Lot Line Adjustment will not increase any violation of ~~parcel~~ lot width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.
5. The ~~subject properties~~ affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article, or the Lot Line Adjustment has been conditioned to require compliance with ~~such~~ these rules and regulations, and ~~such~~ any zoning violation fees imposed pursuant to in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the ~~respective County Ordinances: Article II (Sections 35-161 and 35-162)~~ requirements of Division 10 (Nonconforming Structures and Uses) of this Article.
6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.

~~B. A Lot Line Adjustment proposed on agricultural zoned parcels which are under Agricultural Preserve Contract pursuant to the County Agricultural Preserve Program Uniform Rules shall only be approved provided the following findings are made:~~

**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 Lot Line Adjustment shall comply with all the findings for Lot Line Adjustments in Section 35-134.A.~~
- ~~2-1.~~ The new contract or contracts ~~would~~ will enforceably restrict the adjusted boundaries of the ~~parcel~~ 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.
- ~~3-2.~~ There is no net decrease in the amount of the acreage restricted. In cases where two ~~parcels~~ 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.
- ~~4-3.~~ At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- ~~5-4.~~ After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
- ~~6-5.~~ The lot line adjustment ~~would~~ will not compromise the long-term agricultural productivity of the ~~parcel~~ lot or other agricultural lands subject to a contract or contracts.
- ~~7-6.~~ The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

- 8-7. The lot line adjustment does not result in a greater number of developable ~~parcels~~ lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Coastal Land Use Plan and Comprehensive Plan.

### **SECTION 25:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.c.3 of Section 35-142.2, Exclusion Areas, of Section 35-142, Residential Second Units, to read as follows:

- 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an ~~individual sewage disposal onsite wastewater treatment~~ system that meets all septic system requirements of the ~~Environmental Health Services Division of the~~ Public Health Department.

### **SECTION 26:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 14 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

14. Where public water service is available, the residential second unit shall be required to be served by the appropriate district.
- a. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, then the residential second unit shall also be served by the appropriate public water district or mutual water company.
- b. If the principal dwelling is currently served by a public water district or ~~an existing~~ water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and ~~if~~ the property is not located in an overdrafted water basin, then the residential second unit may be served by a private well or private water company subject to ~~Public Health Department~~ review and approval by the Public Health Department or State as applicable.

### **SECTION 27:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 15 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

15. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. ~~If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.~~
- a. For the purposes of this Subsection 15, 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)

## **SECTION 28:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 16 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

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

A residential second 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.

## **SECTION 29:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 17 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

17. Upon approval of a residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot ~~consistent in compliance~~ in compliance with:
- a. The Coastal Land Use Plan and Comprehensive Plan including the applicable Comprehensive Coastal Land Use Plan designation and zone district.
  - b. This Article including Division 4 (Zoning Districts).
  - c. Subsection 16 above, if the residential second unit is proposed to be served by a onsite wastewater treatment system following the subdivision.

## **SECTION 30:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-143, Community Care Facilities, to read as follows:

### **Section 35-143. Community Care Facilities.**

- A. Purpose and applicability.** This Section establishes standards for community care facilities where allowed in compliance with [Division 4 \(Zoning Districts\)](#) and [Section 35-172 \(Conditional Use Permits\)](#). 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.

~~*Section 35-143.1 — Small Family Day Care Homes.*~~

~~Small Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.~~

~~**Section 35-143.2 Large Family Day Care Homes.**~~

~~Large Family Day Care Homes shall be considered a residential use pursuant to this Article, provided that prior to the approval of a Coastal Development Permit, the Zoning Administrator shall make the following findings:~~

- ~~1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code Section 1597.51.~~
- ~~2. The property is located more than 300 feet from any other Large Family Day Care Home and approval will not result in over concentration.~~
- ~~3. The noise level, including noise generated by the children, is consistent with the Noise Element of the Comprehensive Plan.~~

~~Review of Large Family Day Care Homes pursuant to this Section is exempt from the California Environmental Quality Act. Notice of the application and pending decision shall be given in compliance with Section 35-181 (Noticing). No hearing on the application shall be held unless a hearing is requested by the applicant or other affected person. The action of the Zoning Administrator is final unless appealed in compliance with Section 35-182 (Appeals).~~

**B. Family day care.**

**1. Processing.**

- a. Family day care homes may be allowed in compliance with [Division 4 \(Zoning Districts\) and Section 35-172 \(Conditional Use Permits\)](#).
- 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 [Section 35-181 \(Noticing\)](#).

**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 [Division 4 \(Zoning Districts\) and Section 35-172 \(Conditional Use Permits\)](#).
- b. If required, notice of the application and pending decision on a permit for a day care center shall be given in compliance with [Section 35-181 \(Noticing\)](#).

**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 decision-maker.
  - 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.

***Section 35-143.3—Special Care Homes.***

~~Special Care Homes that serve six or fewer persons shall be considered a Permitted use provided that the home meets all of the following criteria:~~

- ~~1.—A single kitchen.~~
- ~~2.—Off street parking is provided pursuant to Section 35-108 (Required Number of Spaces, Residential), and Section 35-114 (Size, Location, and Design) and the requirement in the applicable zone district.~~
- ~~3.—Structural installations necessary to accommodate disabled residents (e.g., ramps, lifts, handrails), pursuant to the Fair Housing Act, shall be allowed notwithstanding the processing requirements of Section 35-173 (Variances) and Section 35-179 (Modifications).~~
- ~~4.—The application and the requirements of this Article shall be waived by the Director of Planning and Development, if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.~~

~~Review of Special Care Home pursuant to this Section is a ministerial action exempt from the California Environmental Quality Act, unless the approval is subject to Section 35-169.4.2 or Section 35-169.4.3.~~

**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 Article may be modified in compliance with Section 35-144Q (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 a 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 Article 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 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 provided 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 [Division 4 \(Zoning Districts\) and Section 35-172 \(Conditional Use Permits\)](#). 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 of local building codes.

f. **Processing.**

1) Special care homes that serves six or fewer persons may be allowed in compliance with [Division 4 \(Zoning Districts\) and Section 35-172 \(Conditional Use Permits\)](#). The review of an application for such a special care home shall be a ministerial action and no Conditional Use Permit, Variance, or other planning permit shall be required the special care home 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 [Section 35-181 \(Noticing\)](#).

- 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 35-172 \(Conditional Use Permits\)](#).

**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 [Division 4 \(Zoning Districts\)](#) and [Section 35-172 \(Conditional Use Permits\)](#) 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 Division 6 (Parking Regulations).

**SECTION 31:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-144I, Medical Marijuana Dispensaries, to read as follows:

**Section 35-144I. Medical Marijuana Dispensaries.**

- A. Medical Marijuana Cultivation.** See Article X, Medical Marijuana Regulations, of Chapter 35 of the County Code regarding regulations pertaining to the cultivation of medical marijuana.
- B. Medical Marijuana Dispensaries prohibited.** Medical marijuana dispensaries are not allowed in any zone district and shall not be considered a similar use under Division 4, Zone Districts (~~Sections 35-68 through 35-93A~~) approved through a Use Determination in compliance with Section 35-179C (Use Determinations).

**SECTION 32:**

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144R titled “Agricultural Employee Dwellings” and to read as follows:

**Section 35-144R Agricultural Employee Dwellings.**

- A. Purpose and applicability.** This Section provides standards for agricultural employee dwellings where allowed by Division 4 (Zoning Districts) or Section 35-132 (Trailer Use) that are not allowed in compliance with Section 35-144P (Farmworker Housing).
- B. Permit requirement.**
  1. Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land that the agricultural employee dwelling is located on may be allowed in compliance with a Minor Conditional Use Permit approved or conditionally approved in compliance with Section 35-172 (Conditional Use Permits).
  2. Additional dwellings housing five or more employees may be allowed in compliance with a Major Conditional Use Permit approved or conditionally approved in compliance with Section 35-172 (Conditional Use Permits).

**C. Location of employment.**

1. The employees are engaged full-time in agriculture on the farm or ranch upon which the dwelling(s) is located if the dwelling(s) is allowed with a Minor Conditional Use Permit.
2. The employees are engaged full-time in agriculture either on or off the farm or ranch upon which the dwelling(s) is located if the dwelling(s) is allowed with a Major Conditional Use Permit.

**D. Need for additional dwellings.** The applicant can demonstrate a need for additional dwellings to support the existing or proposed agricultural use of the land where the work will occur.

**E. Proof of employment.** The applicant provides proof of the full-time employment of the employee. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

1. Employer's income tax return.
2. Employee's pay receipts.
3. Employer's DE-3 form.
4. Employee's W-2 form.
5. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
6. Other option approved by the Director.

**F. 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 full-time 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 Land Use Permit or Zoning Clearance 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 in compliance with this Subsection F including Subsection F.1, below, may be cause for revocation of the permit for the Agricultural Employee Dwelling.

1. If the identity of the occupant of the Agricultural Employee Dwelling is not known at the time of issuance of the Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, then proof of full-time 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.

**G. Notice to property owner.** Before issuance of a Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, a Notice to Property Owner prep35-144ared by the Department 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 Subsection F, above, shall be recorded by the property owner.

**SECTION 33:**

DIVISION 8, Services, Utilities and Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-147, Processing, to read as follows:

**Section 35-147. Processing.**

No permits for development subject to the provisions of this Division shall be issued except in conformance with the following:

1. Development that requires a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) shall include the development listed below:

- a. Development that is less than 20,000 square feet of total development area as listed below.
    - 1) Drainage channels, water courses or storm drains
    - 2) Reservoirs
    - 3) Distribution and collection lines for water, reclaimed water and wastewater
    - 4) Roads or streets
    - 5) Flood control projects
  - b. Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures.
  - c. Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial or recreational connection.
  - d. Utility lines for gas, electricity, television, telephone, or other similar utilities, proposed to serve less than five connections.
  - e. Pump or lift stations.
  - f. ~~In-ground septic systems~~ Onsite Wastewater Treatment Systems, individual, conventional and Onsite Wastewater Treatment Systems, individual, supplemental on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells that are exempt from the issuance of a Coastal Development Permit in compliance with Section ~~35-169.2~~ 35-57B (Exemptions from Planning Permit Requirements).
2. Development that requires a Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits):
- a. Development that is 20,000 square feet or more of total development area including:
    - 1) Drainage channels, water courses or storm drains.
    - 2) Reservoirs.
    - 3) Distribution and collection lines for water, reclaimed water and wastewater.
    - 4) Roads or streets.
    - 5) Flood control projects.
  - b. Water production, storage, and treatment systems, including multi-parcel water systems, state small community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve from two to 199 domestic, commercial, industrial or recreational connections.
  - c. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve less than 15 domestic, commercial, industrial, or recreational connections, or agricultural operations.
  - d. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H and MHP zoning districts.
  - e. Water diversion projects.
  - f. ~~In-ground septic systems~~ Onsite Wastewater Treatment Systems, including dry wells on a lot located in a Special Problem Area that is designated as such due to sewage disposal constraints.
  - g. ~~Alternative waste disposal systems that utilize mound or evapo-transpiration systems~~ Onsite Wastewater Treatment Systems, individual, alternative.
  - h. Utility lines for gas, electricity, television, or other similar utilities, proposed to serve five or more connections.

- i. Electrical substations subject to the performance standards and district requirements of the Public Works, Utilities and Private Service Facilities District, Section 35-88, excluding major electric transmission substations.
  - j. Uses, buildings, and structures accessory and customarily incidental or similar to the above uses.
3. Development that requires a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits):
- a. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve from 15 to 199 domestic, commercial, industrial, or recreational connections.
  - b. Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities.
  - c. Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections.
  - d. Electrical transmission lines.
  - e. Uses, buildings, and structures accessory and customarily incidental to the above uses.

#### **SECTION 34:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.2, Applicability, of Section 35-169, Coastal Development Permits, to read as follows:

#### ***Section 35-169.2 Applicability.***

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued unless other regulations of this Article, including Section 35-57B (Exemptions from Planning Permit Requirements), specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all applicable regulations of this Article including ~~but not limited to~~ use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property. ~~The following activities shall be exempt from the issuance of a Coastal Development Permit:~~
  - a. ~~Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities (see Section 35-169.10).~~
  - b. ~~The installation of fences, walls, gates and gateposts pursuant to Section 35-123 (Fences, Walls, Gates and Gateposts) only if the development will: (1) not be located between the first public road and the sea or within or adjacent to a wetland, beach, coastal bluff, or an environmentally sensitive habitat area; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~
  - c. ~~Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.~~
  - d. ~~Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (see Section 35-169.10).~~
  - e. ~~Buildings or structures, except for telecommunications facilities regulated under Sections 35-144F and 35-144G, having an aggregate value of less than \$2,000.00, as determined by the Planning and~~

Development Department.

- ~~f. — The addition of solar collection systems to existing buildings or structures.~~
- ~~g. — Grading, excavation, or fill which does not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code.~~
- ~~h. — Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Public Resources Code Section 30519).~~
- ~~i. — The following improvements and structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat area:
  - ~~1) — Decks, platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are not over 30 inches above grade and not over any basement or story below.~~
  - ~~2) — Skylights, windows, and doors.~~
  - ~~3) — Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.~~
  - ~~4) — Spas, hot tubs and fish ponds that do not exceed 120 square feet of total development, including related equipment, or contain more than 2,000 gallons of water.~~
  - ~~5) — One story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings or structures do not exceed 12 feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required.~~
  - ~~6) — Retaining walls (retaining earth only) which are not over four feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code.~~
  - ~~7) — Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork.~~
  - ~~8) — In the RR, A I, and A II districts, 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 have no plumbing or electrical facilities.~~
  - ~~9) — Exterior parking on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-117A.1.~~
  - ~~10) — Trailer storage as an accessory use to residential use that does not require a Coastal Development Permit pursuant to Section 35-132.10.6.~~
  - ~~11) — Storage of materials accessory to the principal structure or use on the lot on which the storage is located on a residentially zoned lot that does not require a Coastal Development Permit pursuant to Section 35-144J.C.~~~~
- ~~j. — Propane tanks located in residential or agricultural zone districts.~~
- ~~k. — Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal.~~
- ~~l. — Seismic retrofits to existing structures. Seismic retrofits 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.~~

- m. ~~Pursuant to the intent of Section 30610 (g) of the Public Resources Code and this Article, the restorations or reconstruction of conforming buildings or structures, other than a public works facility, damaged or destroyed by a disaster, as determined by Planning and Development. For the purposes of this Section only, disaster shall be defined as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners. The restored or replaced structure shall conform to all provisions of the zone district requirements (including permitted uses), shall be for the same use, shall be in the same footprint location, shall not exceed either the floor area, height, or bulk of the damaged or destroyed structure by more than 10 percent. For the purposes of this Section only, the definition of structure shall include landscaping and any erosion control structure or device; and bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure, shall be subject to the provisions of Section 35-184, Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District).~~
- n. ~~Ground or roof mounted receive only satellite dish and wireless television antenna one meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television).~~
- o. ~~Interior alterations that do not result in an increase in 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.~~
- p. ~~Recordation of a Final or Parcel map following an approved tentative map, except vesting tentative maps.~~

### **SECTION 35:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.4, Minor Conditional Use Permits, of Section 35-172, Conditional Use Permits, to read as follows:

#### ***Section 35-172.4. Minor Conditional Use Permits.***

The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-172.9 (Findings).

1. Fences, walls, gates and gateposts pursuant to Section 35-123 (Fences, Walls, Gates and Gateposts).
2. Special Care Homes, ~~except as provided in compliance with~~ Section 35-143.4 (Community Care Facilities).
3. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article, except as provided in Section 35-144H (Wildlife Species Rehabilitation).
4. Communication facilities, as specified in and governed by Section 35-144F.
5. ~~Child care facilities, as defined in Section 35-58, Definitions~~ Family day care and day care centers in compliance with Section 35-143 (Community Care Facilities).
6. Uses, buildings, and structures accessory and customarily incidental to the above uses.

### **SECTION 36:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Section 35-172.5, Major Conditional Use Permits, of Section 35-172, Conditional Use Permits, to read

as follows:

2. The following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit.
  - a. Airstrip - temporary.
  - b. Cemetery.
  - c. Church.
  - d. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Section 35-172.13.
  - e. Educational facilities, not including child care facilities.
  - f. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint).
  - g. Extraction and processing of natural, carbonated or mineral waters for sale including but not limited to, storage, bottling and shipping operations.
  - h. Fairgrounds.
  - i. Golf courses and driving ranges.
  - j. Helistops.
  - k. Communication facilities, as specified in and governed by Section 35-144F.
  - l. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Section 35-177 (Reclamation Plans).
  - m. Polo fields and playing field for outdoor sports.
  - n. Rodeo.
  - o. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Section 35-172.13.
  - p. Stable, commercial (including riding and boarding).
  - q. Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution.
  - r. Public safety facility.

### **SECTION 37:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Section 35-172.7, Processing, of Section 35-172, Conditional Use Permits, to read as follows:

#### ***Section 35-172.7 Processing.***

1. After receipt of an application for a Conditional Use Permit, the ~~Planning and Development~~ Department shall review the application in compliance with the California Environmental Quality Act.
2. ~~For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).~~ Notice of the filing of an application shall be given in compliance with Section 35-181 (Noticing).
3. The ~~Planning and Development~~ Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the decision-maker.



4. **Design review required.** Except for Residential Second Units approved in compliance with Section 35-142 (Residential Second Units), the following applications shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
  - a. An application for a residential structure on a lot adjacent to the sea
  - b. An application for a structure or sign located within the Montecito Community Plan Area.
  - c. An application for a Major Conditional Use Permit.
  - d. An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Commission, or Board.
5. The decision-maker shall hold at least one public hearing on the requested Conditional Use Permit and Coastal Development Permit, if applicable, and approve, conditionally approve, or deny the request.
- ~~5-6.~~ Notice of the time and place of ~~said~~ the hearing shall be given and the hearing shall be conducted in the manner prescribed in compliance with Section 35-181 (Noticing).
- ~~6-7.~~ The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
  - a. In compliance with Public Resources Code Section 30603, a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission in compliance with in Section 35-182.4 (Appeals).
- ~~7-8.~~ Conditional Use Permits may be granted for such period of time and ~~upon~~ subject to such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
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 35-144F \(Commercial Telecommunication Facilities\)](#) 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 [35-144F.E.4 \(Abandonment-Revocation\)](#).
10. Notwithstanding the requirements of Subsection [35-144B \(Applications That Are Within the Jurisdiction of More Than One Final Decision Maker\)](#) and [Section 35-174 \(Development Plans\)](#), if a Development Plan is required in compliance with Subsection 9 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.
- ~~8-11.~~ If a Revised Conditional Use Permit is required as provided in Section 35-172.11, it shall be processed in the same manner as the original permit. When approved by the decision-maker, such revised permit shall automatically supersede any previously approved permit.

## **SECTION 38:**

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179C titled "Use Determinations" and to read as follows:

**Section 35-179C. 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 district 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 district. The intent of this Section is to provide specific consideration of such uses. Within this section “permitted uses” shall mean those uses listed in Division 4 (Zoning Districts) that do not require the approval of a Major or Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).
- B. Applicability.** The provisions of this Section shall only apply to zones identified in Subsection 35-51A.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 Section 35-57A (Application Preparation and Filing).
- D. Processing.**
- 1.** 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.
  - 2.** The Commission shall hold at least one noticed public hearing on the requested Use Determination 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 Section 35-181 (Noticing).
  - 4.** The action of the Commission is final subject to appeal in compliance with Section 35-182 (Appeals).
- E. Findings required for approval of Use Determinations.** A Use Determination application shall be approved or conditionally approved only if the Commission first makes all of the following findings, as applicable:
- 1. Limited Commercial (C-1) zone.**
    - a.** The proposed use is similar in character to those listed as permitted uses in the C-1 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 C-1 zone because of dust, odor, noise, smoke or vibration.
  - 2. Retail Commercial (C-2) zone.**
    - a.** The proposed use is similar in character to those listed as permitted uses in the C-2 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 C-2 zone because of danger to life or property, dust, odor, noise, smoke, vibration, or similar causes.
  - 3. Highway Commercial (CH) zone.** The proposed use is a commercial establishment operated primarily for the purpose of serving the essential needs of travelers on highways.
  - 4. Industrial Research Park (M-RP) zone.**
    - a.** The proposed use is similar in character to those listed as permitted uses in the M-RP zone.
    - b.** The proposed use is not more obnoxious or offensive than those listed as permitted uses in the M-RP zone because of danger to life or property, dust, odor, noise, smoke, vibration, or similar causes.
  - 5. Public Utilities (PU) and Recreation (REC) zones.** The proposed use is similar in character to those listed as permitted uses in the applicable zone.
  - 6. 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 Article apply.

**SECTION 39:**

Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete the text of existing Appendix G, Development Standards for Residential Second Units on Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems, in its entirety and reserve the title “Appendix G” for future use.

**SECTION 40:**

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 41:**

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 4, Zoning Districts, Division 5, Overlay Districts, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 42:**

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

PETER ADAM, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel