

## ATTACHMENT F: MONTECITO LUDC ORDINANCE AMENDMENT

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

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 13ORD-00000-00009

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

#### **SECTION 1:**

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.c, Screening required, of Subsection B, Accessory storage of materials, of Section 35.423.050, Residential Zones Development Standards, of Chapter 35.423, Residential Zones, to read as follows:

- c. **Screening required.** Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

#### **SECTION 2:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Subsection B, Construction and design, of Section 35.436.070, Standards for All Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.

#### **SECTION 3:**

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G, Exterior parking, of Section 35.436.090, Standards for Residential Zones and Uses, of Chapter 35.436, Parking and Loading Standards, to read as follows:

- G. **Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection G) of operative and inoperative motor

vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with [Section 35.472.110 \(Land Use Permits\)](#) is not required to establish exterior parking except when 1) this Subsection 35.436.090.G requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Land Use Permit in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#), or 3) the parking is not in compliance with [Section 35.420.040 \(Exemptions from Planning Permit Requirements\)](#). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.436.090.G shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

**1. Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- a. Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

**2. Limitation on number.**

- a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#), the exterior parking of operative motor vehicles and recreational vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
  - (1) Parking allowed in compliance with this Subsection G.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
    - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
    - (b) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that:
      - (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
      - (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
    - (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
- b. **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection G.2.a, above, the exterior parking of operative and inoperative motor vehicles and recreational vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.
  - (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
    - (a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.
  - (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal dwelling.
- 3. Additional standards for inoperative motor vehicles and recreational vehicles.** The parking of inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections G.1 and G.2, above:
- a. Vehicles shall not be parked on parking spaces required in compliance with [Section 35.436.050 \(Required Number of Spaces: Residential Uses\)](#).
  - b. Any area used for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
  - c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
  - d. The parking of inoperative motor vehicles regulated under Subsection 35.423.050.C (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.
- 4. Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections G.1 through G.3, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).
- 5. Noncompliance deemed a violation of this Development Code.** ~~As of June 1, 2012, the~~ The parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections G.1 through G.3, above, or is not allowed by a Conditional Use Permit approved in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#) as allowed by Subsection G.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.498 \(Enforcement and Penalties\)](#).

## **SECTION 4:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 4.c, Swimming pools and spas in setback area, of Subsection B, Development standards, of Section 35.442.020, Accessory Structures and Uses, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- c. **Swimming pools and spas in setback area.** Swimming pools, spas, and appurtenant equipment shall not be located ~~in~~:
  - (1) **Lots other than interior lots.** In the required front or side setback areas and, if located

within the rear setback, shall not be located closer than five feet to any property line.

**(2) Interior lots. Closer than 10 feet to any property line.**

## **SECTION 5:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection f. of Subsection 8., Storage of trailers as accessory to a residential use, of Subsection G., Trailer use, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

- f. ~~Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) if the trailer will:~~
- ~~(1) Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; 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.~~

Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection G, Exterior parking, of Section 35.436.090, Standards for Residential Zones and Uses.

## **SECTION 6:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 7-1 (Review Authority), of Section 35.470.020, Authority for Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, to read as follows:

**Table 7-1 - Review Authority**

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
<b>Administrative and Legislative</b>			
Development Code Amendment		Recommend	Decision
Comprehensive Plan Amendment		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
<del>Local Coastal Program Amendment</del>		<del>Recommend (2)</del>	<del>Decision</del>
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendment		Recommend (3)	Decision
<b>Planning Permits</b>			
<del>Coastal Development Permits (without hearing) (4)</del>	<del>Decision</del>	<del>Appeal</del>	<del>Appeal</del>
<del>Coastal Development Permits (with hearing)</del>		<del>Decision</del>	<del>Appeal</del>
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote ( <del>5</del> 4) below		
Development Plan	See Subsection 35.472.080.B.3 (Review Authority)		Appeal
Emergency Permits	Decision		
Hardship Determinations		Decision	Appeal
Land Use Permit	Decision	Appeal	Appeal
Modification		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining (5)		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering)		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	Appeal
Use Determinations		Decision	Appeal
Variance		Decision	Appeal
Zoning Clearance	Decision		

**Notes:**

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.492 (Appeals).
- (2) In situations where the Comprehensive Plan Amendment ~~or Local Coastal Program Amendment~~ would also have effect outside of the Montecito Community Plan Area, then the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- ~~(4) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.472.050.D.~~
- ~~(5) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.~~
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate a interim management plan that is required due to a surface mining operation becoming idle.

## **SECTION 7:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G.3, Time limits and extensions, of Section 35.472.060, Conditional Use Permits, of Chapter 35.472, Permit Review and Decisions, to read as follows:

### **3. Time limits and extensions.**

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required ~~Coastal Development Permit or~~ Land Use Permit or Zoning Clearance shall be issued.
- (1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
  - (2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit.
  - (3) The review authority responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 7-1 (Review Authority) and Subsection 35.470.020.B (Applications subject to more than one review authority) may extend the time limit in compliance with Section 35.474.030 (Time Extensions).
  - (4) If the required time limit in which to obtain the required ~~Coastal Development Permit or~~ Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- b. Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.
- (1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.474.040 (Changes to an Approved Project).
  - (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
  - (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
    - (a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
    - (b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.(3)(a), above.

(4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.

(a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with Section 35.474.030 (Time Extensions).

## **SECTION 8:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G, Time limits and extensions, of Section 35.472.080, Development Plans, of Chapter 35.472, Permit Review and Decisions, to read as follows:

### **G. Time limits and extensions.**

1. **Preliminary Development Plans.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

2. **Final Development Plans.**

~~(a).~~ **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, then the Final Development Plan shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Section 35.474.030 (Time Extensions).

~~(b).~~ **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit or Zoning Clearance shall be issued within the time limit(s) established by the phasing plan.

(1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.474.040 (Changes to an Approved Project).

(2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

(3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:

(a) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.

(b) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 2.(b)(3)(a), above.

(4) The time limit(s) specified in the phasing plan shall require that all required Land Use

Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.

(a) This 10 year period may be extended by the Montecito Commission provided an application for a Time Extension is submitted in compliance with Section 35.474.030 (Time Extensions).

(i) The extension of the 10 year period is not subject to Section 35.474.030.D.3 (Development Plans (Preliminary and Final)) that limits the extension of the approval of a Development Plan to 12 months.

## **SECTION 9:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection L, Interim management plan requirements, of Section 35.472.140, Reclamation and Surface Mining Permits, of Chapter 35.472, Permit Review and Decisions, to read as follows:

### **L. Interim management plan requirements.**

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770(h))
  - a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit and/or Reclamation Plan.
  - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. ((SMARA, Section 2770(h))
  - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.
2. ~~Montecito Commission~~ **Director review and decision.** The ~~Montecito Commission~~ Director shall be the review authority for an amendment to the Reclamation Plan required to incorporate an interim management plan associated with mining operations.
  - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the ~~Montecito Commission~~ Director shall review, and approve or deny the plan in compliance with Subsection G. (Processing), above, except that a public hearing is not required.
    - (1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
    - (2) The ~~Montecito Commission~~ Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
    - (3) An action of the ~~Montecito Commission~~ Director to deny the revised interim management plan ~~may be appealed~~ is final subject in compliance with Chapter 35.492 (Appeals).
3. **Time limit, extension.** The interim management plan shall remain in effect for a ~~maximum of period not to exceed five years~~, at which time the ~~Montecito Commission~~ Director ~~may renew~~ shall do one of the following:
  - a. Renew the interim management plan for one an additional five-year period, or require not to



exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.

- b. Require the surface mine mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
- c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with Chapter 35.492 (Appeals).

## **SECTION 10:**

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, to read as follows:

### **35.474.030 - Time Extensions**

- A. **Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.
- B. **Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. **Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).

#### **D. Processing.**

##### **1. Coastal Development Permit.**

##### **a. Approved Coastal Development Permits for appealable development.**

~~(1) Coastal Development Permit approved by the Director. The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.~~

~~(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~

~~(b) A public hearing shall not be required if the Director is the review authority for the application for the time extension.~~

~~(c) The Director may approve, conditionally approve or deny the request.~~

~~(d) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~(2) Coastal Development Permit approved by the Montecito Commission. The Montecito Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Montecito Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.~~

- ~~(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
- ~~(b) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.~~
- ~~(c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).~~
- ~~(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

~~b. Issued Coastal Development Permits for appealable and non-appealable development. The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.~~

## **2-1. Conditional Use Permits.**

- a. **Extension of permit approval.** The Montecito Commission may extend the approval of a Conditional Use Permit the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Section 35.472.060.G.3 (Time limits and extensions) one time for good cause shown in compliance with the following:
  - (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (2) Notice of the application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - ~~(2-3)~~ The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.76 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.
  - ~~(3-4)~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - ~~(4-5)~~ The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
  - ~~(5-6)~~ A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.
- b. **Discontinuance of use.** The Montecito Commission may extend the time limit ~~for that a~~ Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Section 35.472.060.G.4 (Conditional Use Permit void) one time for good cause shown in compliance with the following:
  - (1) After receipt of an application for a Time Extension, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

- (2) Notice of the application shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (1-3) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
- (2-4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (3-5) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

### **3.2. Development Plans (Preliminary and Final).**

- a. **Extension of permit approval.** The review authority ~~that approved~~ responsible for reviewing and making a decision on the Development Plan in compliance with Table 7-1 (Review Authority) of Chapter 35.470 (Permit Application Filing and Processing) may extend the ~~approval of expiration of the approved or conditionally approved~~ Development Plan one time for 12 additional months for good cause shown in compliance with the following:
  - (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.76, below, and approve, conditionally approve or deny the request.
  - (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
  - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. **Expiration.** A Development Plan shall expire 12 months from the effective date of the extension ~~was granted~~ or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.

### **4.3. Land Use Permits.** The Director may extend the ~~time limit~~ expiration of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown ~~only if the Director first finds that the applicable findings for approval required in compliance with Section 35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.~~ in compliance with the following:

- a. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).
- b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section

35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

**5-4. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown- in compliance with the following:

- a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).
- c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- d. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35.472.120.E (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.

**6-5. Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown ~~provided~~ in compliance with the following:

- (a) ~~That the~~ An application for a time extension request is shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- (b~~c~~) ~~That the determination required in compliance with Subsection 35.472.190.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made~~ Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that that the requirements for the issuance of a Zoning Clearance required in compliance with Subsection 35.472.190.D.1 (Review for compliance) are still met.
- (d) The action of the Director is final and is not subject to appeal.

**7-6. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection ~~35.474.030.D.7.a.~~ D.6.a. above is mailed.
- c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.
- d. A listing of ~~pending~~ Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Montecito

Commission's hearing agenda following the mailing of the notice of the review authority that would otherwise have jurisdiction over the Time Extension.

**8.7. Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.76 above, the Director for good cause may extend the expiration of a planning permit for additional 24 month periods in compliance with the following:

- a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.
- b. The application for the Time Extension is filed with the Department in compliance with the following:
  - (1) The application shall be filed in compliance with Section 35.470.030 (Application Preparation and Filing).
  - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
- c. Notice of the application shall be given in compliance with Section 35.496.075 (Time Extensions Under the Jurisdiction of the Director).
- d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.472 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.
- e. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

This Subsection D.87 shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

**E. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

## **SECTION 11:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, is amended to amend Subsection A, Structural change, expansion, or extension, of Section 35.491.030, Nonconforming Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, to read as follows:

### **A. Structural change, expansion, or extension.**

#### **1. Enlargements or extensions allowed in limited circumstances.**

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure ~~may~~ shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code. Except as listed below or otherwise provided in this Development Code, a nonconforming structure ~~may~~ shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.

**b. Allowed structural alterations.**

**a. (1) Seismic retrofits allowed.** Seismic retrofits as defined in Chapter 35.10 (Glossary) and in compliance with Section 35.420.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).

**b. (2) Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.

**c. (3) Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

**(4) Conforming residential uses and residential accessory uses.** A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

**c. Permit required.** The issuance of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) is required prior to the commencement of any structural alteration allowed in compliance with Subsections A.1.a and A.1.b, above, unless the alteration is determined to be exempt in compliance with Section 35.420.040 (Exemption from Planning Permit Requirements).

**2. Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

**3. Loss of nonconforming status.**

**a.** A nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection A.1, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Development Code.

**b.** If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Chapter 35.498 (Enforcement and Penalties).

**SECTION 12:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Chapter 35.494, Amendments, to read as follows:

### 35.494.010 - Purpose and Intent

~~The purpose of this Chapter is to provide procedures for changing the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development, to provide for text Amendments to this Development Code as the County may deem reasonable, necessary, or desirable and to provide for Amendments to any ordinances, resolutions, or implementation programs carrying out the provisions of the Local Coastal Program. The intent of this Chapter is to provide the mechanism consistent with Government Code Section 65000 *et seq.* for amending this Development Code and the certified Local Coastal Program.~~

The purpose and intent of this Chapter is to provide procedures consistent with Government Code Section 65000 *et seq.*, for:

- A. Amending the text and/or maps of the Comprehensive Plan.
- B. Amending the text of this Development Code as the County may deem reasonable, necessary, or desirable.
- C. Amending the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development.

### 35.494.020 - Applicability

- A. Comprehensive Plan.** An amendment to the Comprehensive Plan may include revisions to the text and/or maps of the Comprehensive Plan.
- B. Development Code.** A Development Code An amendment to this Development Code may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development that is located within the County Montecito Community Plan area outside the Coastal Zone.
- ~~**B. Local Coastal Program.** A Local Coastal Program Amendment may include revisions to text or maps.~~
- C. Zoning Map.** An Amendment to the County Zoning Map Amendment not including those portions that lie outside the Montecito Community Plan area or within the Coastal Zone has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.
- D. Compliance with Chapter.** All applications for Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

### 35.494.030 - Initiation of Amendments

An Amendment may only be initiated in the following manner:

- A. Board.** By the Board, which may include the approval of a resolution of intention by the Board;
- B. Montecito Commission.** By the Montecito Commission, which may include the approval of a resolution of intention by the Montecito Commission;
- C. Director.** By the Director; or
- D. Applicant.** By an application by an authorized applicant as follows:
  - 1. Local Coastal Program Comprehensive Plan Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment An application to amend the text and/or maps of the Comprehensive Plan may be made by any person with a substantial interest in the proposed Amendment.
  - 2. Development Code Amendment.**
    - ~~**a. Coastal Zone.** An application to amend the text of the Development Code in a manner which will affect land within the Coastal Zone may be made by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.~~
    - b. Inland area.** An application to amend the text of the Development Code in a manner which will not have any affect on land within the Coastal Zone may be made by any person with a

substantial interest in the proposed Amendment.

3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

#### **35.494.040 - Processing of Amendments**

- A. **Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code, the County Zoning Map or the adopted Comprehensive Plan or Local Coastal Program, as applicable, shall be accompanied by an application to make the project consistent.
- B. ~~**Department may refuse to accept inconsistent applications.** The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan or Local Coastal Program, as applicable.~~
- C. **Contents of application.** If initiated by a person other than the Board, Montecito Commission, or Director, an Amendment application shall be filed ~~and processed~~ in compliance with [Chapter 35.470 \(Permit Application Filing and Processing\)](#).
- D. 1. **Application shall include a Preliminary Development Plan.** Unless the Montecito Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with Section 35.472.080 (Development Plans) and Section 35.494.0980 (Rezoning Requirements for Specific Zones) below.
- a. DR (Design Residential).
  - b. PRD (Planned Residential Development).
  - c. CN (Neighborhood Commercial).
  - d. CV (Resort/Visitor Serving Commercial).
  - e. PU (Public Utilities).
  - f. REC (Recreation).
- E. ~~**Environmental Review required.** The Department shall process the application in compliance with the California Environmental Quality Act.~~
- C. **Processing.**
1. **Application acceptance.**
- a. **Director review.** After receipt of an application the Director shall review the application and determine whether to accept the application for processing or to refer the application to the Montecito Commission to determine whether to accept the application for processing.
- (1) The Director may refer any application to the Montecito Commission that the Director determines to be:
    - (a) Inconsistent with the Comprehensive Plan and the inconsistency would not be resolved by approval of the amendment, or
    - (b) Inconsistent with this Development Code and the inconsistency would not be resolved by approval of the amendment, or
    - (c) Inconsistent with a recent Comprehensive Plan or Community Plan update, or
    - (d) Precedent setting in nature, or
    - (e) In conflict with any recent action by the Board, or
    - (f) Likely to generate or has generated substantial public controversy, or



(g) If the application involves an amendment to the Comprehensive Plan, that the application is not in the public interest as required by Government Code Section 65358(a).

(2) The action of the Director to refer an application to the Montecito Commission is final and not subject to appeal.

(3) If the Director refers the application to the Montecito Commission, then the Director shall provide a recommendation to the Montecito Commission as to whether the application should be accepted for processing.

**b. Montecito Commission review.** Upon referral by the Director, the Montecito Commission shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. If the Montecito Commission declines to accept the application for processing, then the Montecito Commission shall refer the application to the Board for a final decision regarding whether to accept the application for processing.

(1) The action of the Montecito Commission to refer an application to the Board is final and not subject to appeal.

(2) If the Montecito Commission refers the application to the Board, then the Montecito Commission shall provide a recommendation to the Board as to whether the application should be accepted for processing.

**c. Board review.** Upon referral by the Montecito Commission, the Board shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. The decision of the Board is final.

2. Following acceptance of the application for processing, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

3. The Director may refer the application to the Subdivision/Development Review Committee and/or the Montecito Board of Architectural Review for review and recommendations to the Montecito Commission.

4. In compliance with Government Code Section 65351, during the review of a Comprehensive Plan Amendment, the Department shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the Department deems appropriate.

5. The Department shall also refer a proposed Comprehensive Plan Amendment to other agencies in compliance with Government Code Section 65352.

**6. Native American consultation required.** Prior to the adoption of any Comprehensive Plan Amendment the Department, in compliance with Government Code Sections 65352.3 and 65352.4, shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the County's jurisdiction.

**FD. Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed amendment to the text of the Development Code and/or the County Zoning Map Amendment site and under the revised text or new zone the conditionally permitted use would become an permitted use, the Conditional Use Permit including the conditions of approval shall remain valid and in force, unless altered or deleted in compliance with [Section 35.472.060 \(Conditional Use Permits\)](#).

### 35.494.050 - Action on Amendments

#### A. ~~Montecito Commission's recommendation~~ Comprehensive Plan Amendments.

##### 1. ~~Montecito Commission hearing required~~ and action.

- a. The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and [Government Code Sections 65090 and 65091](#), as applicable.

##### 2. ~~b. Montecito Commission's recommendation for all Amendments.~~ At the conclusion of the hearing, the Montecito Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Montecito Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Montecito Commission carried by the affirmative votes of a majority of its total voting members vote of not less than a majority of the total membership of the Montecito Commission.

##### 3. ~~Montecito Commission's recommendation for denial of Zoning Map Amendment.~~ If the Montecito Commission recommends denial of a Zoning Map Amendment, the Board shall not be required to hold a public hearing or take any further action on the matter unless within 10 days after the Montecito Commission decision, the applicant or any other interested person files a written request for the hearing with the Clerk of the Board.

##### 4. ~~Recommendation shall include reasons with findings.~~ The Montecito Commission's recommendation shall include the reasons for the recommendation in compliance with the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) below.

- c. The Montecito Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Montecito Commission first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#).
- d. In compliance with Government Code Section 65354.5, any interested party may file a written request for a hearing on the Amendment by the Board with the Clerk of the Board within the five days following the Montecito Commission adopting its recommendation. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.

#### B. ~~2.~~ Board hearing required and action.

1. ~~a.~~ Following the receipt of the Montecito Commission's recommendation for approval or where a hearing has been requested in compliance with Subsection ~~A.3 (Montecito Commission's recommendation for denial of Zoning Map Amendment)~~ [A.1.d](#), above, the Board shall hold at least one noticed public hearing on the proposed Amendment.
2. ~~b.~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.

#### C. ~~Board's action on the proposed Amendment.~~

1. ~~c.~~ The Board may approve, modify, or deny the recommendation of the Montecito Commission in compliance with the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) below.
  - (1) The Board shall adopt an Amendment by resolution which shall be adopted by the affirmative vote of not less than a majority of the total membership of the Board.
2. ~~(2)~~ Any substantial modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during its hearing shall first be referred back to the Montecito Commission for report and recommendation.

- 3. (a) The Montecito Commission shall not be required to hold a public hearing on the referral.
- 4. (b) ~~Failure of the Montecito Commission to report to the Board within 40 days after the initial referral, or a longer period designated by the Board, shall be deemed to be approval of the proposed modification~~ The failure of the Montecito Commission to report within the 45 calendar days following the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a resolution approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.

## **B. Development Code and Zoning Map Amendments.**

### **1. Montecito Commission hearing and action.**

- a. The Montecito Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Sections 65090 and 65091, as applicable.
- b. At the conclusion of the hearing the Montecito Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Montecito Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Montecito Commission carried by the affirmative vote of not less than a majority of its total voting members.
- c. The Montecito Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Montecito Commission first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) and [Section 35.494.080 \(Rezoning Requirements for Specific Zones\)](#) as applicable.
- d. In compliance with Government Code Section 65855, the Montecito Commission's recommendation shall include the reasons for the recommendation, and the relationship of the proposed Amendment to the Comprehensive Plan and applicable Specific Plans.

### **2. Board hearing and action.**

- a. Following the receipt of the Montecito Commission's recommendation:
  - (1) **Development Code Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment.
  - (2) **Zoning Map Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment except that if the Montecito Commission recommends denial of the Zoning Map Amendment, then the Board shall not be required to hold a public hearing or take any further action on the matter unless:
    - (1) An aggrieved party appeals the action of the Montecito Commission in compliance with [Chapter 35.492 \(Appeals\)](#), or
    - (2) An interested party requests a hearing by filing a written request with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.496 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify or deny the recommendation of the Montecito Commission.

- (1) The Board shall adopt a Development Code or Zoning Map Amendment by ordinance which shall be adopted by the affirmative vote of not less than a majority of its total voting members.
- (2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Montecito Commission during its hearing shall first be referred to the Montecito Commission report and recommendation.
  - (a) The Montecito Commission shall not be required to hold a public hearing on the referral.
  - (b) The failure of the Montecito Commission to report within the 40 calendar days after the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a ordinance approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) and Section 35.494.080 (Rezoning Requirements for Specific Zones) as applicable.

**DC. Compliance with Measure A96 required.**

1. **Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code, ~~Local Coastal Program~~, or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with [Appendix B \(Administrative Guidelines for Implementing Measure A96 - Voter Approval Initiative\)](#).
2. **Measure A96 to terminate in 2021.** This voter approval requirement was added to this Development Code in compliance with the Measure A96 voter approval initiative, passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

**35. 494.060 - Findings Required for Approval of Amendments**

An application for an Amendment to the Comprehensive Plan, Development Code, ~~Local Coastal Program~~, or Zoning Map may be approved only if the review authority first makes all of the following findings ~~are made~~, as applicable to the type of Amendment.

**A. Findings for Comprehensive Plan, Development Code, ~~Local Coastal Program~~ and Zoning Map Amendments.**

1. The request is in the interests of the general community welfare.
2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. ~~If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.~~
3. The request is consistent with good zoning and planning practices.

**B. Additional finding for Comprehensive Plan Amendments.**

1. If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.

**35.494.070 - Effective Dates**

- A. Comprehensive Plan, Development Code or Zoning Map.** A Comprehensive Plan, Development Code or Zoning Map Amendment shall become effective on the 31<sup>st</sup> day following the adoption of an ordinance or resolution, as applicable, by the Board.

~~B. **Local Coastal Program.** An Amendment to the certified Local Coastal Program shall become effective in compliance with [Section 35.494.080 \(Certification of Local Coastal Program Amendments\)](#), below.~~

~~**35.494.080 - Certification of Local Coastal Program Amendments**~~

~~A. **Compliance with Coastal Act required.** Any approval by the County of a proposed Amendment to the County's certified Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board in compliance with Sections 30512 and 30513 of the Coastal Act, as it may be amended from time to time.~~

~~B. **Certification by Coastal Commission required.** Any proposed Amendment to the certified Local Coastal Program shall not take effect until the amendment has been certified by the Coastal Commission.~~

~~**35.494.090 - Rezoning Requirements for Specific Zones**~~

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

**A. AH overlay zone**

1. **Limitation on rezones.** The AH overlay zone may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
2. **Designation of allowed number of units.** The approval of a rezoning to the AH overlay zone shall include designation of the maximum density allowed on the site by the overlay.
3. **Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Montecito Commission and Board first make all of the following findings in addition to those required in compliance with [Section 35.494.060 \(Findings Required for Approval of Amendments\)](#) above:
  - a. ~~In the Inland area, the~~ The site is located within an Urban area as designated on the Comprehensive Plan maps. ~~In the Coastal Zone, the site is subject to the Affordable Housing Land Use Designation overlay or such designation is currently being processed.~~
  - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).
  - c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
  - d. The site is served by a municipal sanitary district.
  - e. The site is of adequate size and shape to allow the reasonable development of housing.
  - f. The site is near major travel corridors or services.
  - g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
  - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
  - i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.

**B. DR, CN, CV and PU zones.** An application for a rezoning to the DR, CN, CV, and PU zones shall include a Preliminary ~~Development Plan~~ or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.



- C. PRD zone.** An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#), unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- 1. Minimum site area.**
    - ~~a. Coastal Zone.~~ Within the Coastal Zone, a site shall be a minimum of 20 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.
    - ~~b. Inland area.~~ Within the Inland area, a A site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.
  - 2. Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Montecito Commission and Board first make all of the following findings:
    - a. That the property is of the type and character which is appropriate for a ~~Pplanned R~~residential ~~D~~development in compliance with the specific purpose and intent stated within Subsection [35.423.020.D](#) (PRD (Planned Residential Development) zone).
    - b. That the property is within an Urban area as designated on the Comprehensive Plan maps.
    - c. That the overall estimated population density which will result upon full development of the property under the ~~Planned Residential Development~~ zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
    - d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.
- D. REC zone.** An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.472.080 \(Development Plans\)](#) which shall include all of the site area unless the Montecito Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
- 1. Minimum site area.** ~~Rezoning to apply the REC zone shall require that the~~ A site ~~shall~~ be a minimum of one acre ~~to be rezoned to the REC zone, all of which shall be included in the Preliminary or Final Development Plan.~~
  - 2. Findings required for rezoning.** Except for existing public or private outdoor recreation areas as designated on the Comprehensive Plan maps, the approval of a rezoning to apply the REC zone to property shall require that the Montecito Commission and Board first make all of the following findings:
    - a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, (i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources).
    - b. That the proposed development will conform with all applicable policies of the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.
    - c. The proposed recreational activities are compatible with land uses on adjacent lots.
    - ~~d. Within the Coastal Zone the following additional findings are required:~~
      - ~~(1) The level of facility development is in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreation activities are of the kind, intensity, and location to ensure protection of habitat resources.~~

- ~~(2) Coastal dependant and coastal related recreational uses are given priority.~~
- ~~(3) If the proposed site is adjacent to the beach, adequate public access to and along the beach is provided.~~

### **SECTION 13:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

#### **35.496.020 - Notice of Public Hearing and Review Authority Action**

- A. Minimum requirements.** ~~Except for decisions on Coastal Development Permits subject to Subsection 35.472.050.D.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Chapter 35.492 (Appeals) or is not processed in conjunction with a Conditional Use Permit or Final Development Plan), Land Use Permits, applications for Design Review (see Subsection 35.496.030.A (Minimum requirements for permit not following a discretionary action), Sections 35.496.050 (Land Use Permits Inland Area) and 35.496.060 (Design Review) below, for respective noticing requirements), and Zoning Clearances, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.~~

Except for decisions on applications for Design Review processed in compliance with Section 35.472.070, Emergency Permits processed in compliance with Section 35.472.090, Land Use Permits processed in compliance with Section 35.472.110, Zoning Clearances processed in compliance with Section 35.472.190, and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
  - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
  - b. Mailed notice.**
    - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470 050 (Initial Application Review) that an application is complete for processing to:
      - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
      - (b) The applicant;
      - (c) The owner of the subject lot, if different from the applicant.
      - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
      - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with

Chapter 35.444 (Telecommunications Facilities). The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.

- (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
  - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.444.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
  - (h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- ~~e.~~ **(3) Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b, above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- c. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d. Contents of notice.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.
- e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. Posted notice.**
- (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
  - (2) The language and form of the notice shall be provided to the applicant by the



Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

- (a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
  - (b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).
  - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority).
- (3) Said notice shall be posted by the applicant:
- (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
  - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

#### **SECTION 14:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35.496.030, Coastal Development Permits and Land Use Permits within the Coastal Zone, of Chapter 35.496, Noticing and Public Hearings, in its entirety and reserve the section for future use.

#### **SECTION 15:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35.496.040, Notice of Final Action Appealable to the Coastal Commission, of Chapter 35.496, Noticing and Public Hearings, in its entirety and reserve the section for future use.

#### **SECTION 16:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.050, Land Use Permits - Inland Area, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

**35.496.050 - Land Use Permits –~~Inland Area~~**

**A. Minimum requirements.** Notice of an application and pending action or action on a Land Use Permit application ~~for property located in the Inland area~~ shall be given in compliance with the following:

**1. By the Department.** Notice shall be given by the Department in compliance with the following:

**a. Mailed notice.** Mailed notice of applications for Land Use Permits shall be provided to:

- (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
- (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.444.010.C.1.
- (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

**b. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

**c.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:

- (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;
- (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.

**d.** The notice shall be required to be continuously posted from the date required by Subsection A.1.c. above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

**e.** The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice) below.

- (1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.442.160 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.442.160.F (Development standards).

**2. By the applicant.** Notice shall be given by the applicant in compliance with the following:

**a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

**b.** The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.

**c.** Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:

- (1) If the application is subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Montecito Board of Architectural Review including conceptual review, or;

- (2) If the application is not subject to Design Review in compliance with Section 35.472.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
- d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c above until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department prior to the action of the Director to issue the Land Use Permit.

## **SECTION 17:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A.1 of Section 35.496.070, Emergency Permits, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

- A. Minimum requirements.** Notice of the application for an Emergency Permit shall be given in compliance with the following:
1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
    - a. ~~For properties in the Coastal Zone, notice shall also be mailed to all residents within a 100-foot radius of the exterior boundaries of the affected property.~~

## **SECTION 18:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Chapter 35.496, Noticing and Public Hearings to add a new Section 35.496.075 titled "Time Extensions Under the Jurisdiction of the Director" read as follows:

### **Section 35.496.075 Time Extensions Under the Jurisdiction of the Director**

- A. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.**
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
    - a. Mailed notice.**
      - (1) Except as provided in Subsection A.1.g. below, mailed notice shall be provided to:
        - (a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
        - (b) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35.444.010.C.1.
        - (c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
      - (2) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.(1), above, that only have street addresses on record, the Director may

authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

- (a) The notice shall be published in compliance with the time requirements for mailing of notice contained in Subsection A.1.c, below.
- (b) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.a.(1), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.
- b. Posted Notice.** Except as provided in Subsection A.1.g, below, the Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- d. The posted notice shall be required to be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
- e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- f. The contents of the notice shall be in compliance with Section 35.496.080 (Contents of Notice), below.
- g. If mailed and posted notice of the application has already been provided in compliance with 35.474.030 (Time Extensions) because the requirement for a public hearing has been waived, then said notice shall satisfy the requirement to provide mailed and posted notice in compliance with this Subsection A.1.

## **SECTION 19:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.496.080, Contents of Notice, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by applicant.
  - 1. The date of filing of the application and the name of the applicant.
  - 2. The Department case number assigned to the application.
  - 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
  - 4. A description of the project, and its location ~~and a statement that the project is located is within the Coastal Zone, if applicable.~~
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
  - 1. All information required by Subsection A. (Notice for all projects) above.
  - 2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing,

then only the date of pending action of the review authority is required.

3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
4. ~~The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.~~
5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.444 (Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.496.100 (Hearing Procedure) below.

**C. Notice for projects that do not require a public hearing or discretionary review authority action.**  
The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.

1. All information required by Subsection A (Notice for all projects), above.
2. A general description of the County procedures concerning the review of ~~an~~ the application ~~for a Coastal Development Permit or Land Use Permit~~, including:
  - a. How to participate in the review of the application ~~for the Coastal Development Permit or Land Use Permit~~;
  - b. How to receive notification of any pending review in compliance with Section 35.472.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the ~~Coastal Development Permit or Land Use Permit~~ application;
  - c. How to submit comments either in writing or orally before review by the Montecito Board of Architectural Review, if applicable, or action to approve, conditionally approve, or deny the ~~Coastal Development Permit or Land Use Permit~~ application; and
  - d. Requirements regarding the procedure to appeal the decision of the Montecito Board of Architectural Review, or action by the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or Land Use Permit~~ application.
3. If applicable, the date of the pending action on the application ~~for the Coastal Development Permit or Land Use Permit~~, and the date of expiration of the appeal period.
4. ~~If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.~~

**SECTION 20:**

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to revise the existing definition of "Recreational Vehicle" to read as follows:

**Recreational Vehicle.** A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy. ~~Within the Inland area the~~ where the living area is restricted to less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms. Recreation vehicle shall also include trailer-borne boats.

**SECTION 21:**

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 22:**

Except as amended by this Ordinance, Division 35.2, Division 35.3, Division 35.4, Division 35.7, Division 35.9 and Division 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 23:**

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage 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 \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO, 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