

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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## Agenda Number:

**Prepared on:** February 2, 2005  
**Department Name:** Planning & Development  
**Department No.:** 053  
**Agenda Date:** February 15, 2005  
**Placement:** Departmental  
**Estimate Time:** 30 min  
**Continued Item:** YES  
**If Yes, date from:** August 10, 2004  
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**TO:** Board of Supervisors

**FROM:** Val Alexeeff, Director  
Planning & Development

**STAFF CONTACT:** Anne Coates (934-6262)  
Development Review Division

**SUBJECT:** Zoning Ordinance Reformatting Project (ZORP) Progress Report

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## RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive a progress report on the Zoning ordinance Reformatting Project (a Process Improvement Team effort) and offer feedback as to the format of the new Land Use and Development Code; and,
2. Direct staff to return on May 17, 2005 to present recommendations on the approach of the reformatted Land Use and Development Code.

[Estimated length of hearing: 30 minutes (15 minutes for staff presentation and 15 minutes for discussion)]

## ALIGNMENT WITH BOARD STRATEGIC PLAN:

The recommendation(s) are primarily aligned with: Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 5, A High Quality of Life for All Residents; Goal No. 6, A County Government that is Accessible, Open, and Citizen-Friendly.

## **EXECUTIVE SUMMARY AND DISCUSSION:**

On August 10, 2004, the Board of Supervisors heard a progress report on the Zoning Ordinance Reformatting Project (ZORP) and directed staff to return at the next appropriate milestone of the project's development. This progress report will present a brief historical overview of ZORP, as well as provide a detailed summary and status of the activities that have occurred since staff's last presentation to the Board of Supervisors (August 10, 2004). Additionally, staff will discuss future necessary steps for reformatting the zoning ordinances and will request the Board's feedback as to the format style presented today.

### **Background of PIT Process and ZORP**

**Process Improvement Team (PIT):** The Planning and Development Department began a significant process improvement effort in February 2003 by forming an in-house team to study the ministerial process and identify needed improvements. The key recommendations from that effort were accepted by the Board of Supervisors on July 22, 2003. A second phase began with the formation of four Steering Groups to further develop and implement the improvements. The goal of the Steering Groups is to create an integrated program to improve the ministerial process for applicants, the community, and staff, while ensuring that County policy objectives are still met.

**Steering Group #3:** ZORP developed out of Steering Group #3 (Policies and Zoning Ordinances). One of the main goals of Steering Group #3 is "to simplify, standardize, and update our zoning ordinances." Steering Group #3 recommended that the County's existing zoning ordinance be reformatted (e.g., reducing overlap of identical regulations, relocating regulations in more intuitive locations in the document, etc.) to accomplish these goals.

**Zoning Ordinance Reformatting Project:** The ZORP team was formed to evaluate the current zoning ordinance and formulate a recommendation to alleviate identified problems with its current format that would meet the goals of the project articulated above. ZORP team members include members of PIT Steering Group #3, community representatives from throughout the County, P&D staff, and a consultant team hired to draft the reformatted ordinances, led by the firm of Crawford Multari & Clark Associates (CMCA). The ZORP team's analysis of the zoning ordinance identified problems such as: inconsistencies throughout Articles II, III, and IV, scattered project-relevant information, and vaguely written language and definitions, all of which can contribute to the overall complexity of the document, leading to inconsistent application of regulations.

The ZORP team determined that a more concise and reformatted zoning ordinance would lead to fewer inconsistencies and more intuitive locations for project-relevant information. The County's current zoning ordinance is voluminous (consisting of over 3,000 pages) and the current format contributes to a complex permit processing system. One of the first steps in determining how best to reduce the bulk and repetitiveness of the existing ordinance was to determine how the existing regulations apply to the various areas throughout the County.

ZORP's comprehensive analysis of the current zoning ordinance concluded that a majority of the existing regulations (49%) apply countywide—that is, these regulations apply to development projects regardless of where the development is proposed in the County. Fifteen percent (15%) of regulations apply solely in the Coastal Zone (i.e., they are derived from the Coastal Act, apply solely in the Coastal Zone, and require Coastal Commission certification). Additionally, the analysis found that 72% of Article IV, which applies to the inland area of the Montecito Community Planning Area, consists primarily of regulations that apply countywide. Two percent (2%) of the regulations in Article II apply solely to the Coastal portion of the Montecito Community Planning Area.

### **Land Use & Development Code Review Process**

After receiving draft sections of the reformatted zoning ordinance, now referred to as the Land Use & Development Code (LUDC) submitted by CMCA, P&D staff members of the ZORP team (the ZORPitos) review these sections for accuracy, consistency and completeness and send revisions back to CMCA. Staff distributes the second draft that includes these revisions to the ZORP team members for their comments, which are also sent back to CMCA. The draft that has been reviewed by both staff and the ZORP team will become the final draft of the document that will be evaluated through CEQA and made available for public review. The ZORP team is paying careful attention during the review process to ensure that the reformatted code preserves the integrity of existing regulations and presents them in a format that provides greater accessibility and ease of use.

As stated previously, one of ZORP's goals is to create an LUDC with clearly-written regulations. To achieve this, some regulations may be rewritten. When this occurs, rewording of regulations is limited in such a way that the intent or scope of the regulations is not affected; any changes proposed are only to ensure that the regulations are easier to understand and leave less opportunity for inconsistent interpretations over time. In this way, substantive changes are avoided. Any regulations that are rewritten in the LUDC and any new sections that are added will be specifically highlighted so that the public and decision-makers are aware of these changes throughout the public review process and at the time of the document's presentation for adoption.

### **Proposed Format of Land Use & Development Code**

The proposed format of the new LUDC is land use-based, as the document would include tables that list various land uses and the zone districts where they are permitted, as well as tables that clearly list the development standards for these districts (see Attachment A for draft sections of the LUDC). This contrasts with the format of the County's current zoning ordinance, which is a zone district-based document- formatted such that each zone district includes a list of permitted uses within that district as well as development standards (setbacks, height, etc.) for each zone district. At the February 15, 2005 Board hearing, staff will present a case study demonstration of how to use the proposed format of the LUDC and how it contrasts with our current Zoning ordinances.

### **Current Status of ZORP**

P&D staff members of the ZORP team have received and reviewed approximately two-thirds of a proposed draft of the LUDC from Crawford Multari & Clark Associates. The ZORP team has reviewed a majority of the Zone Districts (approximately 92 pages), including the Residential and Commercial Zone Districts. The Residential Zone Districts are included as Attachment A. The ZORP team recently met to discuss these sections and the current status of the project.

P&D staff presented a ZORP progress report to the Montecito Planning Commission on January 19, 2005 and to the County Planning Commission on January 26, 2005. Both Commissions expressed favorable responses to the proposed format of the LUDC and thought it to be significantly more user-friendly and concise than our current zoning ordinance. The Montecito Planning Commission expressed some concerns as to how the Article IV regulations unique to Montecito will be differentiated in a new LUDC. Staff informed them that we are working closely with a ZORP ad-hoc committee of the Montecito Association and County Counsel to respond to this concern. The County Planning Commission also responded favorably to the proposed format, and offered staff some helpful suggestions to improve the “use tables” included in the residential zone district sections.

### **Future Work**

At a future date we will present to you a full analysis of the potential alternative approaches that the new LUDC could take (e.g., 1) the consolidated ordinance approach; 2) the “updated Article IV approach” suggested by the Montecito Planning Commission at its hearing on February 18, 2004; 3) the “extracted” ordinance concept for Montecito and other community plan areas of the County suggested by representatives of the Montecito Association; and 4) one or more mixed alternatives, combining the best features of all of the other alternatives, to the extent they can be developed).

County Counsel is currently reviewing questions regarding amendments to the various alternative approaches. When the ZORP team has had the opportunity to review more of the LUDC and Counsel’s findings, it will meet to formulate its recommendation as to the approach of the code that is most likely to achieve ZORP’s goals. At that time, staff will present this analysis to the Montecito Planning Commission and the County Planning Commission for their recommendation. This recommendation will be forwarded to the Board of Supervisors for your consideration.

We anticipate that the ZORP team can complete its analysis of the various approaches by the end of March. After meeting with the Planning Commissions in April, we anticipate that we can present this analysis to the Board of Supervisors at the May 17, 2005 hearing.

**MANDATES AND SERVICE LEVELS:**

This effort is not mandated. Service levels are expected to increase as a result of implementation of PIT and Zoning ordinance Reformatting Project team recommendations.

**FISCAL AND FACILITIES IMPACTS:**

The costs of staff were funded by FY 2002-03 departmental savings that were retained by the Department and re-budgeted in the FY 2004-05 adopted budget. The consultant contract for Crawford, Multari & Clark Associates to complete the ordinance update is budgeted in the Development Review South Division in the Permitting and Compliance Program, on page D-290 (South County Development Review) and D-292 (North County Development Review) of the County's Adopted FY 2004-05 Budget.

**SPECIAL INSTRUCTIONS:**

None.

**CONCURRENCE:**

None.

**ATTACHMENTS:**

A. Residential Zone Districts of new Land Use & Development Code