

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 10/5/2006
Department Name: P&D
Department No.: 053
Agenda Date: 10/17/2006
Placement: Departmental
Estimate Time: 30 minutes
Continued Item: YES
If Yes, date from: September 26, 2006
Document File Name: F:\GROUP\Permitting\Case Files\Oa\2000s\06 cases\06ORD-00000-00009 ZORP\Board of Supervisors\Hearing agenda letter.doc

TO: Board of Supervisors

FROM: John Baker, Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director, Development Review Division, North County
Project Sponsor, 934-6585

SUBJECT: Zoning Ordinance Reformatting Project

Recommendation:

That the Board of Supervisors consider the recommendations of the County Planning Commission and Montecito Planning Commission and:

- A. Find that adoption of this Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and Section 15625 of the Guidelines for Implementation of CEQA.
- B. Adopt findings for approval of the proposed Ordinance.
- C. Adopt an Ordinance (Case No. 06ORD-00000-00009) repealing Article I, Article II, Article III, Article IV and Article V of County Code Chapter 35 and adopting Section 35-1, the Santa Barbara County Land Use and Development Code and Section 35-2, the Santa Barbara County Montecito Land Use and Development Code of Chapter 35 of the Santa Barbara County Code.
- D. Adopt a Resolution transmitting this Ordinance (where applicable to the Coastal Zone) for certification by the California Coastal Commission as an amendment to the certified Local Coastal Program for Santa Barbara County.

Estimated hearing time: staff presentation 15 minutes; total time 30 minutes.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, Goal 6, *A County Government that is Accessible, Open, and Citizen-Friendly*, and is required by law or routine business necessity. This project was developed to improve the quality and usability of the County's zoning regulations, to streamline processing procedures and provide better customer service. The Development Codes seek to arrange

existing regulations into a format that is both easier to read and to search, in part by eliminating duplicated information/procedures, using “plain English” and grouping related information.

Executive Summary and Discussion:

The Zoning Ordinance Reformatting Project (ZORP) was initiated in 2003 to address procedural and customer service issues related to identified deficiencies in the structure and organization of the County’s zoning regulations. Within the last three years the ZORP team, comprised of staff, members of the public and the firm of Crawford, Multari and Clark (consultants) have collaborated to combine the existing zoning regulations consisting of Article I (Sign Ordinance), Article II (Coastal Zoning Ordinance), Article III (Inland Zoning Ordinance), Article IV (Montecito Zoning Ordinance) and Article V (Addressing and Road Naming Ordinance) of County Code Chapter 35 into two Land Use and Development Codes. The Santa Barbara County Land Use and Development Code and the Santa Barbara County Montecito Land Use and Development Code eliminate duplicated information/procedures, use “plain English” and group related information for improved usability and accuracy. Although the Development Codes are organized within an entirely new format, the documents were written to ensure that the intent of the existing ordinances and established Departmental procedures are preserved.

The Montecito and County Planning Commissions reviewed the Zoning Ordinance Reformatting Project and the Land Use and Development Codes (Hearing drafts) on September 7, 2006. Within that public hearing the County and Montecito Commissions acted to recommend approval of the Zoning Ordinance Reformatting Project with the revisions noted in the hearing by a unanimous vote.

Public Comments

Victoria Greene representing the Montecito Association raised 11 issues within the Commissions’ hearing. The following nine issues were addressed through revisions/corrections to the Land Use and Development Codes.

1. Provide a use type category and a permit path for mobile home parks in residential zones within Montecito Land Use and Development Code (compatible with County LUDC).
2. Update ZORP Phase II list to include the creation of development standards for mobile home parks within residential zones.
3. Clarify the minimum parcel size for detached residential second units in Montecito.
4. Clarify noticing requirements for Design Review applications and their relationship to Review Board bylaws.
5. Revise findings for Lot Line Adjustments on lots within Agricultural Preserve Contracts.
6. Include requirement that Animal Keeping in resource protection zones must be accessory to residential use.
7. Provide a permit path for museums in residential zones.
8. Clarify procedures and regulations for Storm Water Runoff requirements.
9. Clarify noticing requirements for Coastal Development Permit/Land Use Permit applications.

The remaining two issues from the Montecito Association were raised based on concerns that the inclusion of these items into the Development Codes would result in a substantive change in zoning regulations.

1. Definitions/Treatment of Schools and Schools - Business, professional or trade.
2. The inclusion of Development Agreements into the Land Use and Development Codes.

County Counsel had reviewed these issues and advised the Commissions within the hearing that:

The definitions represented Departmental practice in the treatment of both educational facilities and other “training” institutions and thus did not represent a substantive change in zoning regulations.

The language and procedures regarding Development Agreements were taken directly from State law and thus their inclusion into the Development Codes was not substantive.

The Planning Commissions’ concurred with this analysis and did not require any revisions to the Development Code for these issues.

Alison Malkin, representing the law firm of Price, Postel & Parma raised one issue (below) which was addressed through revisions to the applicable sections of the Development Code.

- The processing procedures for Surface Mining and Reclamation Plans and consistency with State regulations (SMARA).

Attachment F of this Board Agenda Letter includes a summary of the revisions and pages of the revised/corrected code sections are included for review. This Attachment also contains nonsubstantive corrections identified by staff subsequent to the Commissions’ hearing, as well as the recently adopted amendment to the Height sections of the General Regulations in Article II and Article III (Case numbers 06ORD-00000-00007 and 06ORD-00000-00008 adopted by your Board on September 26, 2006).

Planning Commissions’ Review

Review of Development Code

During their hearing, the Planning Commissions were provided with summaries of the type, scope and substance of modifications contained within the Development Codes. Please refer to Attachment G of this Board Agenda Letter (The County & Montecito Planning Commissions’ Staff Report) for further discussion and analysis.

Pending Ordinance Amendments

The Commissions were also advised that the Department has several Ordinance Amendment packages in various stages of review/adoption. Attachment H of this Board Agenda Letter contains a list of “pending” amendments that will need to be incorporated into the Land Use and Development Codes upon adoption by your Board. Attachment H of this Board Agenda Letter reflects the current status of these amendments.

Phase II

The current work effort (Phase I) which will culminate in the adoption of the two Development Codes is considered the first step in improving the quality of the County's existing ordinance regulations. Combining and reformatting Articles I through V of County Code Chapter 35 provided opportunities to identify changes necessary or desirable to improve local zoning regulations. These items have been assembled into a Phase II list. The Phase II list was updated based on comments received at the Planning Commissions' hearing and subsequent input from staff and the public. The current Phase II list is included as Attachment I of the Board Letter. The Department hopes to focus efforts on these substantive amendments upon the adoption of the County and Montecito Land Use and Development Codes.

Mandates and Service Levels: Amendments to Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Provisions of §65855 of the Government Code require that the recommendation of the Planning Commission(s) be transmitted to the Board of Supervisors and that the Board schedule and hold a public hearing on the matter.

Fiscal and Facilities Impacts: Funding for this ordinance reformatting work effort is budgeted in the Planning Support program of the Administration Division on page D-286 of the adopted Planning & Development's budget for fiscal year 2006-07. There are no facilities impacts.

Special Instructions: The Clerk of the Board shall provide Planning & Development with a copy of the signed Resolution for transmittal to the California Coastal Commission.

Concurrence: County Counsel

Attachments:

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Ordinance for transmittal to California Coastal Commission
- D. Santa Barbara County Planning Commission Resolution #06-07
- E. Montecito Planning Commission Resolution #06-02
- F. Revisions to Hearing Draft Land Use and Development Code Documents
- G. County Planning Commission Staff Report for September 7, 2006 hearing
- H. List of Pending Ordinance Amendments
- I. Phase II "Substantive Amendments" list