

# 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:** 10/7/2005  
**Prepared on:** 10/7/2005  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 10/18/2005  
**Placement:** Departmental  
**Estimate Time:** 90 minutes  
**Continued Item:** YES  
**If Yes, date from:** 9/27/2005 (set hearing)  
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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Noel Langle, Planner  
568-2009

**SUBJECT:** Hearing to consider adoption of zoning ordinance text amendments to Article III of Chapter 35 of the Santa Barbara County Code: Case Nos. 05ORD-00000-00012 to simplify the process for permitting the construction of new homes in approved subdivisions and to revise the permit appeals process.

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## Recommendations:

Consider the recommendations of the County Planning Commission and:

- A. Find that these amendments are categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment A).
- B. Adopt findings for approval of the proposed amendments (Attachment B).
- C. Adopt an Ordinance amending Article III, Inland Zoning Ordinance (05ORD-00000-00012) (Attachment C).

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## 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 No. 4, *A Community that is Economically Vital and Sustainable*; Goal No. 5, *A High Quality of Life for All Residents*; and Goal No. 6, *A County Government that is Accessible, Open, and Citizen-Friendly*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

The Planning & Development Department began a process improvement effort two years ago that included the formation of four Steering Groups with staff and community members involved in the development review process. Early in 2005, the four Steering Groups were consolidated into an Oversight Committee that spent most of two meetings discussing criteria for renewed process improvement efforts and recommended five priority projects that would improve and streamline the review process. Two of the highest priorities were improvements to the ministerial permit process and the appeal process for all Planning and Development-related actions. At the Board meeting of May 24, 2005, your Board endorsed these process improvement priorities.

Following is a summary of the revisions proposed as part of this ordinance amendment. The Planning Commission staff report (Attachment D of this Board Agenda Letter) provides a complete analysis of the effects of the proposal.

***Zoning Clearance process.*** Staff developed ordinance language that would allow new homes on vacant lots in subdivisions approved after January 1, 1990 to be reviewed through a Zoning Clearance process instead of having to obtain a Land Use Permit, assuming the project conforms to the zoning ordinance and all conditions of approval on the subdivision are met. The proposed Zoning Clearance process differs from the Land Use Permit process in that noticing is not required and the approval of a Zoning Clearance is not appealable. This change would initially benefit over 1,200 lots that either have resulted from recently approved subdivisions or would result from subdivision that are currently undergoing review, as well as benefiting those lots that may result from future applications for subdivisions.

***Appeals process revisions.*** Staff also developed ordinance language that would revise the County's appeal process regarding: (1) who is an "aggrieved party" and thus may file an appeal, (2) clarifying the grounds for appeal, (3) including a process to allow the rejection of appeals that are incomplete and/or do not raise an appealable issue, (4) revise the scope of review of an appeal, (5) change the level of Board of Architectural Review decisions that may be appeal, and (6) shift the jurisdiction for appeals of decisions of the Zoning Administrator from the Board of Supervisors to the Planning Commission.

The Process Improvement Team Appeals Group provided input on the proposed amendments to the appeals process, and the Oversight Committee reviewed both the zoning clearance process and the appeals revisions their meeting of September 7, 2005.

These amendments were considered by the County Planning Commission September 28, 2005, who forwarded staff's recommendations to your Board with the following revisions:

1. **Zoning Clearance Process.** As proposed by staff, the Zoning Clearance process would apply to the construction of the initial single-family dwelling on all currently vacant lots that resulted from subdivisions approved since January 1, 1990. This would include both lots resulting from Tract (Final) Maps (that involve the creation of five or more lots) and Parcel Maps (maps that create four or fewer lots). The Planning Commission expressed concern regarding the inclusion of Parcel Maps since they felt that lots resulting from these maps may not have received a sufficient level of scrutiny during the review of the

subdivision, and that there was an expectation that there would be a second opportunity to review and perhaps challenge any development proposed on these lots when a Land Use Permit application was later submitted.

At the suggestion of staff, the proposed language was modified to include only lots that resulted from a subdivision involving five or more lots. Staff told the Planning Commission that the Department would return later in the year with more information regarding the scope of review of Parcel Maps approved since January 1, 1990. However, even with this revision, approximately 1,200 lots would still be able to take advantages of the Zoning Clearance process.

2. Appeals process revisions. The existing appeals process provides that appeal hearing are *de novo*, that is, that the whole of the project is open for discussion and consideration. In the amendment presented to the Planning Commission, staff proposed instead that appeal hearings be limited to the specific issues raised in the appeal, and that the appeal hearing body (Planning Commission or Board of Supervisors) could, by a majority vote, increase the scope of the hearing to either include the whole of the administrative record or elect to conduct the proceedings as if no other hearing had been held and thereby re-hear the matter *de novo*.

At the Planning Commission hearing, the County Counsel's office expressed concern with this provision since there were no guidelines that the Planning Commission or the Board of Supervisors could follow in determining the appropriate scope of the hearing. The Planning Commission agreed with this concern and deleted the revision from the recommended ordinance.

These modifications are reflected in the text of the actual amendment which is contained in Attachment C; proposed deletions of existing ordinance are shown as struck-through and proposed additions are underlined.

### **Mandates and Service Levels:**

Amendments to Article III of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Section 35-325 of Article III provides that the recommendation of the Planning Commission shall be transmitted to the Board of Supervisors and that the Board shall schedule and hold a public hearing on the matter.

### **Fiscal and Facilities Impacts:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division of page D-290 of the adopted 2005-06 fiscal year budget. There are no facilities impacts.

### **Special Instructions:**

Planning & Development will satisfy all noticing requirements.

**Concurrence:**

County Counsel

Attachments:

- A. CEQA Guidelines Section 15061(b)(3) Notice of Exemption
- B. Findings for Approval
- C. 04ORD-00000-00022 (Article III) Ordinance Amendment
- D. County Planning Commission staff report dated 9/16/2005