

ATTACHMENT A

ORDINANCE NO. _____ *(Revised 5/31/2002)*

AN ORDINANCE AMENDING CHAPTER TWO OF THE COUNTY CODE BY AMENDING ARTICLE V TO PROVIDE FOR THE ESTABLISHMENT OF A MONTECITO PLANNING COMMISSION AND MONTECITO BOARD OF ARCHITECTURAL REVIEW THAT WOULD HAVE JURISDICTION OVER CERTAIN DEVELOPMENT PROPOSED WITHIN THE MONTECITO PLANNING AREA.

Case No. 02ORD-00000-00004

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

SECTION 1:

The Board of Supervisors hereby finds and declares as follows:

- A. Section 65101(a) of the Government Code of the State of California provides that a local jurisdiction may establish one or more planning commission that shall report directly to the legislative body of that jurisdiction.
- B. The County seeks to increase the participation of local residents in actions affecting the development and preservation of residential neighborhoods and commercial areas.
- C. Area planning commissions provide an opportunity to increase the level of public and community participation in the planning and land use decisions that affect lives and property, and thereby increase the efficient resolution of local issues.
- D. The citizens of Montecito have demonstrated through numerous appearances before the Board of Supervisors and County Planning Commission their vital interest in protecting the health, safety and general welfare of the Montecito community by maintaining the quality of life and semi-rural atmosphere of the community.
- E. Through the Montecito Association the community has established its own Land Use Committee, Architectural Review Committee, and Architectural and Development Review Guidelines.
- F. The community of Montecito is well defined by the jurisdictional boundaries of the Montecito Community Plan, the Article IV Montecito zoning ordinance, and the Montecito Overlay of the Article II Coastal Zoning Ordinance, and the County has adopted a specific set of architectural standards and guidelines for the Montecito area.

G. The purpose of the following amendment to the County Code is to establish a pilot program to assess the effectiveness of a Montecito Planning Commission and Montecito Board of Architectural Review.

SECTION 2:

Article V, Planning and Zoning, of Chapter 2, Administration, of the County Code is hereby amended to read as follows:

Sec. 2-25. Planning Commission--Established.

Pursuant to the provisions of the Planning and Zoning Law, Title 7 of the California Government Code, planning commissions in and for the county are hereby established as follows:

- (a) The County Planning Commission for the area of the county located outside of the Montecito Planning Area as designated by the Montecito Community Plan, and for regional issues that may affect the Montecito Planning Area in addition to other unincorporated areas of the County.
- (b) The Montecito Planning Commission for the area of the county located within the Montecito Planning Area as designated by the Montecito Community Plan.

Sec. 2-25.1. Same--Designated as planning agency.

Pursuant to the provisions of Section 65100 of the California Government Code, a planning agency for the county is hereby established to carry out the functions prescribed in Section 65101 *et seq.* of the California Government Code. For the purposes of this section:

- (a) Except as provided under Sec. 2-25.2, the County Planning Commission is hereby designated to be the planning agency for the unincorporated portions of the county located outside of the Montecito Planning Area as designated by the Montecito Community Plan with the powers and duties as described below.
- (b) Except as provided under Sec. 2-25.2, the Montecito Planning Commission is hereby designated to be the planning agency for the unincorporated portion of the county located within the Montecito Planning Area as designated by the Montecito Community Plan with the powers and duties as described below.

Sec. 2-25.2. Same--Powers and Duties.

- (a) The powers and duties of the County Planning Commission shall be the same as those given to the Planning Commission in Chapter 21 and Articles I, II, III and V of Chapter 35 of this Code and such additional duties and powers as may be assigned to the County Planning Commission by the Board of Supervisors, provided, however, that the Montecito Planning Commission shall assume the powers and duties given to the Planning Commission in Chapter 21 and Articles II and IV of Chapter 35 of this Code within the Montecito Planning Area as designated in the Montecito Community Plan except as provided in Sec. 2-25.2(b).
- (b) Notwithstanding paragraph (a), the following shall remain within the jurisdiction of the County Planning Commission unless the Board of Supervisors directs that the Montecito Planning Commission shall have jurisdiction.
- (1) Recommendations regarding proposed amendments to Articles I, II, III, V and VII of Chapter 35 of the County Code, unless the property affected by a proposed amendment to Article II is solely located within the Montecito Planning Area as designated in the Montecito Community Plan.
 - (2) Initiation, consideration and recommendations regarding general plan amendments required by law or requested by the Board of Supervisors unless the property affected by such initiation, consideration or recommendation is solely located within the Montecito Planning Area as designated in the Montecito Community Plan.
 - (3) Initiation, consideration and recommendations or decisions on applications, proposals or matters involving countywide transportation, airports, waste disposal sites, detention facilities, hospitals, reservoirs, fire facilities or affordable housing.
 - (4) Such other applications, proposals or matters that may be specifically assigned by the Board of Supervisors to the County Planning Commission.

The Montecito Planning Commission may provide recommendations to the County Planning Commission on projects and matters identified above.

Sec. 2-26. Same--Composition.

- (a) The County Planning Commission shall consist of five appointive members so selected as to provide that there shall be one member from each supervisorial district.

- (b) The Montecito Planning Commission shall consist of five appointive members who reside in the Montecito Planning Area as designated by the Montecito Community Plan.

Sec. 2-26.1. Same--Terms of members.

- (a) The members of the County Planning Commission shall be appointed for two-year terms commencing at 12:00 Noon on the first Monday after the first day in January of each odd numbered year.
- (b) The members of the Montecito Planning Commission shall be appointed for two-year terms commencing at 12:00 Noon on the first Monday after the first day in January, except that:
 - (1) The terms of the first commissioners appointed hereunder shall commence at 12:00 Noon on the first Monday after the first day of March 2003 and shall terminate at 12:00 Noon on the first Monday after the first day of January 2005.
 - (2) Two of the first commissioners appointed hereunder shall be for an initial term of ten months.

Sec. 2-26.2. Same--Appointment.

- (a) One member of the County Planning Commission shall be appointed by each supervisor from residents of the supervisorial district for which an appointment is made, with the approval of the Board of Supervisors.
- (b) The members of the Montecito Planning Commission shall be appointed by the supervisor of the First Supervisorial District from the residents of the Montecito Planning Area as designated in the Montecito Community Plan with approval of the Board of Supervisors.

Sec. 2-26.3. Same--Compensation; reimbursement for mileage.

- (a) The appointive members of the County Planning Commission shall receive as compensation for attendance at meetings of such commission the sum of two hundred and fifty dollars for each meeting attended, whether regular or special, as compensation. Members shall receive additional compensation in the amount of fifty dollars per meeting for review of materials and preparation. Members shall be reimbursed by the County of Santa Barbara for their round-trip mileage from their places of business within this county to the place of the meeting of the planning commission at the rate per mile

allowed to county officers and employees. Round-trip mileage for site visits shall be reimbursed at the rate per mile allowed to county officers and employees.

- (b) The appointive members of the Montecito Planning Commission shall serve without compensation.

Sec. 2-26.4. Same--Vacancies.

Vacancies shall be filled by appointment for the unexpired portion of the term by the same method as for the original appointment

Sec. 2-26.5. Same--Removal of members.

A member of either the County Planning Commission or the Montecito Planning Commission may be removed by a majority vote of the Board of Supervisors.

Sec. 2-26.6. Same--Appointment of chairman, vice-chairman and secretary.

The County Planning Commission and the Montecito Planning Commission shall each elect its chairman and vice-chairman from among its members. A designee(s) of the Director of the Planning and Development Department shall serve as secretary to the County Planning Commission and the Montecito Planning Commission.

Sec. 2-26.7. Same--Adoption of rules.

The County Planning Commission and the Montecito Planning Commission shall adopt bylaws that include rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations. The bylaws of the County Planning Commission and the Montecito Planning Commission shall generally be consistent with each other. All decisions and recommendations of the County Planning Commission and the Montecito Planning Commission with regard to amendments to the zoning ordinance, rezonings, specific plans and general plan amendments, and any other instance where the County Planning Commission or the Montecito Planning Commission provides a recommendation to the Board of Supervisors shall be submitted to the Board of Supervisors in written form and shall include the reasons for the decision or recommendation.

Sec. 2-26.8. Same--Meetings.

- (a) The County Planning Commission shall hold regular meetings on every Wednesday, except on such Wednesdays as they shall by motion decide that no meeting will be held. Special meetings may be held at any date and time fixed by the motion of such

commission or upon call of the chairman, or in the absence of the chairman, the vice-chairman of such commission, at any regular or special meeting.

- (b) The Montecito Planning Commission shall hold regular meetings on the second Wednesday of each month, except on such Wednesdays as they shall by motion decide that no meeting will be held. Special meetings may be held at any date and time fixed by the motion of such commission or upon call of the chairman, or in the absence of the chairman, the vice-chairman of such commission, at any regular or special meeting.

Sec. 2-27. Office of Zoning Administrator--Established.

Pursuant to Government Code Section 65900, the office of Zoning Administrator in the Planning and Development Department is hereby established.

Sec. 2-28. Same--Appointment and removal.

The Zoning Administrator shall be appointed and may be removed by the Director of the Planning and Development Department. In the absence of the Zoning Administrator, said Director may appoint a temporary Zoning Administrator to serve during the Administrator's absence.

Sec. 2-29. Same--Powers and duties.

The powers and duties of the Zoning Administrator shall be those given to the Zoning Administrator in Chapter 21 and Articles I, II, III, V and VIII of Chapter 35 of this Code and such additional duties and powers as may be assigned to the Zoning Administrator by the Director of the Planning and Development Department or the Board of Supervisors, provided, however, that the Montecito Planning Commission shall assume the powers and duties given to the Zoning Administrator in Chapter 21 and Articles I, II, IV, V and VII of Chapter 35 of this Code within the Montecito Planning Area as designated by the Montecito Community Plan.

Sec. 2-30. Same--Hearings.

The Zoning Administrator shall hold noticed public hearings on applications under Articles I, II, III, V and VIII of Chapter 35 of this Code not less than twice a month at a place and time to be established by the rules of the Administrator.

Sec. 2-31. Same--Adoption of rules.

The Zoning Administrator shall adopt rules establishing the time and place of the Administrator's hearings and such other rules for the transaction of business as the Administrator deems necessary.

Sec. 2-32. Same--Enforcement of sign ordinance.

The Zoning Administrator may arrest without a warrant any person whom he has reasonable cause to believe has committed in his presence a misdemeanor or infraction which is a violation of the provisions of Article I of Chapter 35 of this Code.

Sec. 2-33.1. Purpose of architectural review.

The Board of Supervisors finds that inappropriateness or poor quality of design in the exterior appearance of buildings, structures or signs adversely affect the desirability of the immediate area and neighboring areas for residential, business or other purposes and by so doing, impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development and use of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the county and destroys a proper relationship between the taxable value of real property in such areas and the cost of public services provided therefor. It is the purpose of these Sections 2-33.1 through 2-33.16 to prevent these and other harmful effects of such exterior appearance of buildings, structures or signs erected or altered in any neighborhood or on any site subject to architectural review and thus to promote the health, safety and general welfare of the county, conserve the value of buildings and encourage the most appropriate use of land within the unincorporated portion of this county.

Sec. 2-33.2. County and Montecito Boards of Architectural Review--Established.

- (a) The County Board of Architectural Review in and for the portions of the county located outside of the Montecito Planning Area, as designated in the Montecito Community Plan, hereinafter called the BAR, is hereby established.
- (b) The Montecito Board of Architectural Review in and for the portion of the county located within the Montecito Planning Area, as designated in the Montecito Community Plan, hereinafter called the MBAR, is hereby established.
- (c) Said boards are the successor bodies to the county architectural board of review and whenever land use regulations of this county, heretofore issued, enacted, or adopted in ordinances, conditional use permits, conditions of variances, or other forms of land use regulations, refer to said architectural board of review, said references shall henceforth be

read to refer to the BAR or the MBAR depending on the location of the property subject to the land use regulation.

Sec. 2-33.3. Same--Members; appointments; quorums.

- (a) The BAR shall be composed of nine members, residents of the county, appointed by the board of supervisors. Five members shall be district representatives with one appointed by each supervisor. (The member need not live in the district of the appointing supervisor.) The district representatives shall be licensed architects. The remaining four members shall be "at large" members appointed by the whole board of supervisors. The at large members shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas and shall include a minimum of two licensed landscape architects. The other two at large members require no specific license and will be considered community representatives. At least one of the four at large members must reside north of the Santa Ynez Mountains and at least one at large member must reside south of the Santa Ynez Mountains. Five members shall constitute a quorum; a quorum must contain a minimum of two licensed architects.
- (b) The MBAR shall be composed of seven members who are residents of the county. The members of the MBAR shall be appointed by the Supervisor of the First Supervisorial District with approval of the Board of Supervisors. Five of the members shall be licensed architects or licensed landscape architects. The remaining two members shall reside within the Montecito Planning Area as designated in the Montecito Community Plan, and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Four members shall constitute a quorum; two members of the quorum must be either a licensed architect or a licensed landscape architect.

Sec. 2-33.4. Same--Term of office and reappointment of members.

- (a) The members of the BAR shall be appointed for four-year terms. Members shall serve until their successors are appointed by the Board of Supervisors. Each supervisor shall appoint one of the five required licensed architects as a district representative.

- (1) The district representative member's BAR term shall coincide with the election years of the appointing supervisor's for that district. The four at large members shall be appointed by the entire board of supervisors during non-election years.
 - (2) The current (those sitting as of the effective date of the ordinance codified in this section) BAR members' terms may be shorter than four years in order to align the BAR members' appointments with those of the Board of Supervisors' member whose district the BAR member represents. Once this alignment has been achieved, appointments (or reappointments) shall be made as follows:
 - January 2001 Three appointments (Districts 1, 3, and 4)
 - January 2002 Two appointments (one landscape architect, one community member)
 - January 2003 Two appointments (Districts 2 and 5)
 - January 2004 Two appointments (one landscape architect, one community member)
- (b) The members of the MBAR shall be appointed for four year terms commencing at 12:00 Noon on the first Monday after the first day in January, except that:
- (1) The terms of the first commissioners appointed hereunder shall commence at 12:00 Noon on the first Monday after the first day of March 2003 and shall terminate at 12:00 Noon on the first Monday after the first day of January 2007.
 - (2) Two of the first commissioners appointed hereunder shall be for an initial term of one year and ten months.

Members shall serve until their successors are appointed by the Board of Supervisors.

Sec. 2-33.5. Same--Vacancies.

Vacancies, otherwise than by expiration of terms, shall be filled by appointment for the unexpired portion of the term by the same method as for the original appointment.

Sec. 2-33.6. Same--Removal of members.

A member of the BAR or the MBAR may be removed or a term may be changed by a three-fifths vote of the Board of Supervisors.

Sec. 2-33.7. Same--Compensation; reimbursement for mileage.

- (a) Members of the BAR shall receive compensation in the amount of one hundred fifty dollars per meeting attended, whether regular or special. Members shall be reimbursed by

the County of Santa Barbara for their round-trip mileage from their places of business within this county to the place of the meeting of the BAR at the rate per mile allowed to county officers and employees. Round-trip mileage for site visits shall be reimbursed at the rate per mile allowed to county officers and employees as well.

- (b) Members of the MBAR shall serve without compensation.

Sec. 2-33.8. Same--Officers.

The BAR and the MBAR shall elect its chairman and vice chairman from among its voting members. A designee(s) of the Director of the Planning and Development Department shall serve as secretary of the BAR and the MBAR.

Sec. 2-33.9 Same--Voting; disqualification from voting in certain cases.

Any member of the BAR or the MBAR who is "financially interested in" or has "any direct personal financial interest in" (as defined in the state law for contractual or noncontractual matters coming before local public agencies) in a building, structure, or sign requiring the approval of the BAR or the MBAR is disqualified from voting thereon.

Sec. 2-33.10. Same--Adoption of rules and bylaws; records to be public.

- (a) The BAR shall recommend rules or bylaws, not inconsistent with any provisions of these Sections 2-33.1 to 2-33.16, governing its procedure and the transaction of business. Any such BAR rules or bylaws shall be reviewed by the BAR and adopted by resolution by the Board of Supervisors. The secretary of the BAR shall keep a public record of the BAR's resolutions, transactions, findings, and determinations. The record of all actions of the BAR which are appealed to the County Planning Commission shall be submitted to such commission in written form and shall include the reasons for the BAR's action.
- (b) The MBAR shall recommend rules or bylaws, not inconsistent with any provisions of these Sections 2-33.1 to 2-33.16, governing its procedure and the transaction of business. Any such MBAR rules or bylaws shall be reviewed by the MBAR and adopted by resolution by the board of supervisors. The secretary of the MBAR shall keep a public record of the MBAR's resolutions, transactions, findings, and determinations. The record of all actions of the MBAR which are appealed to the Montecito Planning Commission shall be submitted to such commission in written form and shall include the reasons for the MBAR's action.
- (c) The bylaws of the BAR and the MBAR shall generally be consistent with each other.

Sec. 2-33.11. Same--Meetings.

- (a) The BAR shall hold a minimum of two regular meetings each month. A special meeting may be called at any time by the chairman of the BAR or by a majority of the members of the BAR.
- (b) The MBAR shall hold a minimum of two regular meetings each month. A special meeting may be called at any time by the chairman of the MBAR or by a majority of the members of the MBAR.

Sec. 2-33.12. Same--Powers and duties.

- (a) County Board of Architectural Review.
 - (1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located outside of the Montecito Planning Area as designated by the Montecito Community Plan requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the Planning and Development Department until final BAR approvals have been obtained. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito Planning Area as designated by the Montecito Community Plan.
 - (2) County projects (projects proposed by any entity governed by the Board of Supervisors or by an entity whose governing body is appointed by the Board of Supervisors) located outside of the Montecito Planning Area as designated by the Montecito Community Plan which exceed fifty thousand dollars in estimated construction costs may be reviewed by the BAR and a recommendation must be made. The decision-maker for county projects may require BAR approval.
- (b) Montecito Board of Architectural Review.
 - (1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located within of the Montecito Planning Area as designated by the Montecito Community Plan requiring MBAR approval under Articles I, II and IV of Chapter 35 of this Code shall not be issued by the Planning and Development Department until final MBAR approvals have been obtained. In addition, the MBAR shall assume the powers and duties given to the BAR in Articles I, II and IV of Chapter 35 of this Code for projects located

within the Montecito Planning Area as designated in the Montecito Community Plan.

- (2) County projects (projects proposed by any entity governed by the Board of Supervisors or by an entity whose governing body is appointed by the Board of Supervisors) located within the Montecito Planning Area as designated by the Montecito Community Plan which exceed fifty thousand dollars in estimated construction costs may be reviewed by the MBAR and a recommendation must be made. The decision-maker for county projects may require MBAR approval.
- (c) The duties of the BAR and the MBAR are to review and approve as submitted, disapprove or approve subject to conditions, specified changes, or additions, the exterior architecture, including landscaping as it affects the exterior architecture, of buildings, structures, and signs which are within the jurisdiction of the BAR or the MBAR. When requested, the BAR or the MBAR shall also render its advice on exterior architecture of buildings, structures, and signs to the Planning and Development Department (or Director), Zoning Administrator, Planning Commission or Board of Supervisors.

Sec. 2-33.13. Same--Application for approval and fees.

Applications for BAR or MBAR approval shall be filed with the Planning and Development Department. Any fee required by a resolution of the Board of Supervisors for an application for BAR or MBAR approval shall be paid as provided in the fee resolution. An application for approval of a building or structure shall contain the information required under the zoning ordinances, as well as any other information deemed necessary by the Planning and Development Department.

An application for approval of a sign shall contain the "required information" pursuant to the sign regulations of the county, or as deemed necessary by the Planning and Development Department.

Sec. 2-33.14. Same--Aspects considered in review.

The BAR and the MBAR shall review the project for conformity with the purpose of these Sections 2-33.1 through 2-33.16, and the applicable comprehensive plan policies and zoning regulations. The BAR's and MBAR's review shall include:

- (a) Height, bulk, and area of buildings and structures.
- (b) Colors and types of building materials and application.

- (c) Physical and architectural relation with existing and proposed structures on the same site and in the immediately affected surrounding area.
- (d) Site layout, orientation, and location of buildings, and relationship with open areas and topography.
- (e) Height, materials, colors, and variations in boundary walls, fences, or screen planting.
- (f) Location and type of landscaping including, but not limited to, off-street parking areas and exposed structures on the downhill side of buildings.
- (g) Appropriateness of sign design and exterior lighting to the site and surrounding area.

Sec. 2-33.15. Same--Findings.

In approving, approving with conditions, or denying an application, the BAR and the MBAR shall examine the materials submitted with the application and any other material provided by the planning and development department to determine whether the buildings, structures, or signs are appropriate and of good design in relation to other buildings, structures, or signs on the site and in the immediately affected surrounding area. Such determination shall be based upon the following findings, as well as any additional findings required pursuant to the county zoning ordinances:

- (a) Overall building shapes, as well as parts of any structure (buildings, walls, screens, towers, or signs), are in proportion to and in scale with other existing or permitted structures on the same site and in the vicinity surrounding the property.
- (b) Mechanical and electrical equipment is well integrated in the total design concept.
- (c) There is a harmonious palette of colors.
- (d) There is a limited number of materials that will be on the exterior face of the building or structure.
- (e) The project demonstrates a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
- (f) Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces and topography of the property.
- (g) Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing native vegetation, selection of

planting which is appropriate to the project and its environment, and adequate provisions have been made for maintenance of all planting.

- (h) Signs, including their lighting, are well designed and are appropriate in size and location.
- (i) All visible onsite utility services are well designed and are appropriate in size and location.
- (j) All exterior site, structure and building lighting is well designed and appropriate in size and location.
- (k) There is harmony of material, color, and composition of all sides of a structure or buildings.
- (l) Consistency and unity of composition and treatment of exterior elevation.
- (m) The proposed development is consistent with any additional design standards as expressly adopted by the board of supervisors for a specific local community, area, or district pursuant to the Article II, III, and IV zoning ordinances.

Sec. 2-33.16. Same--Appeals; hearings.

Decisions of the BAR and MBAR are final, unless appealed pursuant to the county zoning ordinances. Appeals of decisions of the BAR shall be under the jurisdiction of the County Planning Commission. Appeals of decisions of the MBAR shall be under the jurisdiction of the Montecito Planning Commission.

SECTION 3:

Except as amended by this Ordinance, Article V of Chapter 2, Administration, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

This ordinance shall take effect and be in force on March 1, 2003 and before the expiration of fifteen (15) days after its passage, it, or 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, the 18th day of June, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GAIL MARSHALL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel