



**BOARD OF SUPERVISORS  
AGENDA LETTER**

Agenda Number:

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

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** 5/13/2008  
**Placement:** Set hearing  
**Estimated Tme:** 30 minutes (on 5/27/2008)  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director John Baker (805.568.2085)  
Contact Info: Dianne Black, Development Services Director (805.568.2086)  
**SUBJECT:** Road Naming, Special Problem Area Septic System and Time Extension Process Ordinance Amendments

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**County Counsel Concurrence**  
As to form: Yes

**Auditor-Controller Concurrence**  
As to form: N/A

**Other Concurrences:** N/A

**Recommended Actions:**

That the Board of Supervisors set for hearing of May 27, 2008 to consider the recommendation of the County and Montecito Planning Commissions and:

- A. Adopt findings for approval of the proposed ordinances (Attachment A);
- B. Find that the adoption of these ordinances are categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B);
- C. Adopt an Ordinance (Case No. 08ORD-00000-00004) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C); and
- D. Adopt an Ordinance (Case No. 08ORD-00000-00005) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment D).

**Summary Text:**

In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development Department staff work together to “make the process easier to navigate, and more time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process.

There are three types of discretionary actions under the jurisdiction of the County Planning Commission, the Montecito Planning Commission and the Zoning Administrator that currently require public hearings yet rarely, if ever, raise neighborhood or community issues:

- Road namings and renamings
- New individual septic systems located in designated Special Problem Areas
- Time extensions for approved discretionary permits.

The following is a summary of the proposed process changes for these three discretionary actions.

**1. Road Namings and Renamings.**

Existing Process:

The following table shows the existing notice requirements, jurisdiction and appeal body for these types of applications.

**Table 1 - Road Naming Requirements**

Type of Road Naming	Notice	Jurisdiction	Appeal
Naming or renaming of an existing road	Posted 3 places along affected road; mailed to all owners & tenants abutting affected road	Zoning Administrator	Planning Commission; Board of Supervisors
Naming of a road created by a subdivision in conjunction with tentative map approval	Same as required for tentative map	Same as for tentative map	Same as for tentative map
Naming of a road created by a subdivision following tentative map approval	None	Director	Planning Commission; Board of Supervisors

Discussion and Recommendations:

**Naming a new road created by a subdivision** - When a subdivision is being reviewed and new roads are proposed, the applicant will typically submit the names for new roads as part of the tentative map application. The road names are then noticed and reviewed along with the tentative map and shown on the recorded map. However, the applicant may elect to wait on naming the new roads until after the tentative map is approved. In this latter situation the existing regulations require that a separate application be submitted and that the Director of the Planning and Development Department approve or deny the proposed names. There is no required notice of this action by the Director; however, the Director’s action may be appealed to the Planning Commission and Board of Supervisors.

The County and Montecito Planning Commissions and the Oversight Committee recommend that names for new roads created by tentative maps be required to be submitted and reviewed with the tentative map. This would combine two applications into one and increase efficiency.

**Naming or renaming of an existing road** - This process applies when an applicant proposes to name an existing unnamed road or to rename an existing named road. This can be controversial in situations where the affected residents object to the proposed name. In such situations it is

appropriate that the Zoning Administrator retain jurisdiction and hold a public hearing on the proposed road name in order to provide a forum for such objections. However, in the majority of cases, there is no objection such that there is no purpose in holding a public hearing. The recommendation is that a "waived hearing process" be used whereby notice of the intention to waive the hearing for the proposed road name application is mailed to affected owners and tenants, and they are given the opportunity to request that a public hearing be held. If, following notice of the intention to waive the hearing, a hearing is not requested, then the jurisdiction would shift to the Director who would approve or deny the proposed road name. Appeals of the Director's decision would be limited to the applicant appealing a decision of the Director to deny the application.

If, however, a hearing is requested, then the jurisdiction would remain with the Zoning Administrator, and the applicant or an aggrieved person could appeal the action of the Zoning Administrator to the County or Montecito Planning Commission, and Board of Supervisors if necessary.

The County and Montecito Planning Commissions and the Oversight Committee recommend that the waived hearing process, as outlined above, be implemented for the naming and renaming of existing roads.

## **2. Septic Systems in Special Problem Areas.**

### Existing Process:

The County Land Use and Development Code currently requires the approval of a Minor Conditional Use Permit (MCUP) for new individual septic disposal systems proposed to be located in Special Problem Areas that are designated as such due to sewage disposal constraints. After technical staff (i.e., the Special Problem Area Review Committee that includes a representative from the Environmental Health Services Division of the Public Health Department) reviews the application, it is acted on by the Zoning Administrator in a noticed public hearing.

### Discussion and Recommendations:

Special Problem Areas that are designated due to sewage disposal constraints are located throughout the County including Ballard, Highway 154/246 intersection, Janin Acres, Los Alamos, Los Olivos, Mission Canyon, Naples, Summerland, and Sweeney Road (near Lompoc). The concern regarding new septic systems in these Special Problem Areas relates primarily to the need to implement the State Water Quality Control Board Basin Plan and to protect groundwater, particularly in rural areas where municipal sewage disposal is typically not available.

The Special Problem Area Review Committee addresses concerns associated with proposed projects relative to drainage, waste water disposal, access road width, geologic and soil conditions, etc. This Committee is unanimous in its belief that technical staff should be reviewing these systems and that review by the Zoning Administrator does not seem to be warranted.

The recommendation is to eliminate the requirement for a MCUP and only require a Coastal Development Permit or Land Use Permit after review by the Special Problems Area Review Committee. Neighbors would still receive notice of the pending permit for the septic system and could appeal any approval.

The County Planning Commissions and the Oversight Committee support this recommendation. There are no Special Problem Areas designated within the Montecito Community Plan Area, therefore the Montecito Planning Commission did not review this proposal.

**3. Time Extensions.**

Existing Process:

Time extensions for discretionary projects are currently under the authority of the decision-maker who has jurisdiction over the project for which the time extension is sought. The decision-maker, in order to approve the time extension, must be able to make the same findings required for approval that were made when the project was initially approved. Time extensions are subject to CEQA and require a public hearing. The action of the decision-maker may be appealed.

Discussion and recommendation:

Given that time extensions are seldom controversial, the recommendation is that the waived hearing process discussed above in relation to road namings and renamings also be used for time extensions. This approach would allow neighbors or other interested parties to request a public hearing if desired. If not, a hearing would not be held and jurisdiction over the time extension would shift to the Director. However, unlike the proposed process for road namings, even if a public hearing was waived and the jurisdiction shifted to the Director, the decision of the Director could still be appealed to the Planning Commission (and, potentially the Board of Supervisors) due to the broader issues that could be associated with the associated discretionary project.

The County and Montecito Planning Commissions and the Oversight Committee support this recommendation. The County Planning Commission voted 4-1 to recommend approval; the dissenting member felt that if a public hearing was not requested, then any appeal of the Director's decision on the time extension should be restricted to the applicant.

Please refer to Attachment E, County Planning Commission staff report, and Attachment F, Montecito Planning Commission staff report, for further background information.

**Fiscal and Facilities Impacts:**

Budgeted: Yes.

**Fiscal Analysis:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-280 of the adopted Planning and Development Department's budget for fiscal year 2007-08. There are no facilities impacts.

**Staffing Impact(s):**

Legal Positions:  
0

FTEs:  
0

**Special Instructions:**

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

**Attachments:**

- A. Findings
- B. Notice of Exemption
- C. Ordinance (Case No. 08ORD-00000-00004) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code.
- D. Ordinance (Case No. 08ORD-00000-00005) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code.
- E. 3/26/2008 County Planning Commission report (w/o attachments)
- F. 4/16/2008 Montecito Planning Commission report (w/o attachments)

Authored by:  
Noel Langle (805.568.2067)

## ATTACHMENT A FINDINGS

### CASE NOS. 08ORD-00000-00004 and 08ORD-00000-00005

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Santa Barbara County Land Use and Development Code and the Santa Barbara County Montecito Land Use and Development Code in compliance with Section 35.104.060, Findings Required for Approval of Amendment, of Section 35-1 of Chapter 35 of the County Code, and Section 35.494.060 - Findings Required for Approval of Amendment, of Section 35-2 of Chapter 35 of the County Code:

1. The request is in the interests of the general community welfare.

*The proposed ordinance amendments are in the interest of the general community welfare since the amendments provides for a more efficient permitting process (summarized in Finding 2, below) while maintaining the existing protections for surrounding owners.*

2. The request is consistent with the Comprehensive Plan and applicable Community Plans, the requirements of State planning and zoning laws, and the County and Montecito Land Use and Development Code.

*Adoption of the proposed ordinance amendments will provide a “waived hearing process” for the naming of new roads and the renaming of existing roads that presently are under the jurisdiction of the Montecito Planning Commission or County Zoning Administrator; if the hearing is waived then the jurisdiction would shift to the Director of the Planning and Development Department. Notice of the waived hearing potential will be provided to property owners and lessees located adjacent to the subject road, and anybody receiving notice may request a public hearing if desired. The proposed ordinances will also require that roads created or existing within a new subdivision be named at the time that the subdivision is approved. The amendments will also provide a “waived hearing process” for the approval of time extensions associated with discretionary permits, such that if the hearing is waived, then the jurisdiction will shift from the review authority that approved the discretionary permit to the Director of the Planning and Development Department. However, if a hearing is requested, then the jurisdiction over the time extension will remain with the original review authority. Lastly, although the amendments delete the requirement for a Minor Conditional Use Permit for new individual septic systems located in designated Special Problem Areas, they maintain the requirement for review by technical staff, including staff of the Environmental Health Services Division of the Public Health Department, and surrounding property owners will receive notice through the Coastal Development Permit or Land Use Permit process. These revisions will not result in any inconsistencies with the adopted policies and development standards of the County’s Comprehensive Plan and the Community and Area Plans. The proposed ordinance amendments are also consistent with the remaining portions of the County and Montecito Land Use and Development Codes that will not be revised by these amendments. Therefore, these amendments may be found consistent with the Comprehensive Plan, the requirements of State Planning and Zoning Laws, and the County and Montecito Land Use and Development Codes.*

3. The request is consistent with good zoning and planning practices.

*The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. As discussed above in Finding 2, the amendment is consistent with the Comprehensive Plan and Community Plans, and the County and Montecito Land Use and Development Codes.*

## ATTACHMENT B: NOTICE OF EXEMPTION

### NOTICE OF EXEMPTION

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Noel Langle, Senior Planner  
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 08ORD-00000-00004 and 08ORD-00000-00005

**Location:** The proposed ordinance amendment would apply to the unincorporated area of Santa Barbara County.

**Project Title:** Road Naming/Renaming, Septic Systems and Time Extension Process Revisions Ordinance Amendments

**Project Description:** 08ORD-00000-00004 proposes to amend Chapter 35.460 (Road Naming and Address Numbering) and Chapter 35.474 (Post Approval Procedures), of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code. 08ORD-00000-00005 proposes to amend Article 35.2 - Zones and Allowable Uses, Chapter 35.76 - Road Naming and Address Numbering, and Chapter 35.84 - Post Approval Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code.

Adoption of these amendments will revise the existing regulations to provide a “waived hearing process” for the naming of new roads and the renaming of existing roads that presently are under the jurisdiction of the Montecito Planning Commission or the County Zoning Administrator; if the hearing is waived then the jurisdiction would shift to the Director of the Planning and Development Department. Notice of the waived hearing potential would be provided to property owners and lessees located adjacent to the subject road, and anybody receiving notice could request a public hearing if they so desired. The proposed amendment will also require that roads created or existing within a new subdivision be named at the time that the subdivision is approved. The amendment will also provide a “waived hearing process” for time extensions of discretionary actions currently heard by the County Planning Commission, Montecito Planning Commission or County Zoning Administrator. Finally, the amendment proposes to change the application for new septic systems in Special Problem Areas from a Minor Conditional Use Permit under the jurisdiction of the County Planning Commission to a Land Use Permit or Coastal Development Permit.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

**Cite specific CEQA Guideline Section:** Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

**Reasons to support exemption findings:**

- 1. Road namings/renamings (not associated with subdivisions).** Adoption of the proposed ordinance amendment will only change the review authority from the Zoning Administrator to the Director of the Planning and Development Department in situations where the normally required public hearing for such road namings and renamings has been waived. Notice of any proposed waived hearing will be sent to those people who would normally receive notice of a public hearing, and those people may request that a public hearing be held.
- 2. Road namings/renamings (associated with subdivisions).** Adoption of the proposed ordinance amendment will also require that roads created or existing within a new subdivision be named at the time that the subdivision is approved, instead of allowing the road to be named after approval of the subdivision. This revision merely combines the potential for two applications into one.
- 3. Time extensions.** Adoption of the proposed ordinance amendment will provide a waived hearing process for the approval of time extensions associated with discretionary permits, such that if the hearing is waived, then the jurisdiction would shift from the review authority that approved the discretionary permit to the Director of the Planning and Development Department. However, if a hearing is requested, then the jurisdiction over the time extension would remain with the original review authority. In either instance the decision on the time extension could be appealed.
- 4. New individual septic systems in designated Special Problem Areas.** Adoption of the proposed ordinance amendment will change the application and approval required for a new septic system in a designated Special Problem Area from a Minor Conditional Use Permit to a Coastal Development Permit or Land Use Permit after review and approval by the Special Problem Area Review Committee for compliance with technical standards. Public notice would be provided and the ability to appeal the decision would remain.

Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

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Department/Division Representative

Date

Acceptance Date (date of final action on the project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff  
Project file



## ATTACHMENT C: ORDINANCE

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 SECTION 35.460.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.460 (ROAD NAMING AND ADDRESS NUMBERING), OF DIVISION 35.6 (MONTECITO SITE DEVELOPMENT REGULATIONS), AND SECTION 35.474.030 (TIME EXTENSIONS), OF CHAPTER 35.474 (POST APPROVAL PROCEDURES), OF DIVISION 35.7 (MONTECITO PLANNING PERMIT PROCEDURES), TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00004

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

### SECTION 1:

DIVISION 35.6, Montecito Site Development Regulations, 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 35.460.050.B, Naming or renaming an existing road, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to read as follows:

#### **B. Naming or renaming an existing road.**

1. **Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Montecito Commission, Department, or other public agency or County department.
2. **Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.
  - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
  - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
  - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Montecito Commission.
3. **Public hearing.**
  - a. **Public hearing.** The Montecito Commission shall hold at least one noticed public hearing on

the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.

**b. Notice.** 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). Additionally, notice shall be provided in compliance with the following:

(1) **Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.

(2) **Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Chapter 35.496 (Noticing and Public Hearings).

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

(1) 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).

(a) 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 road naming or renaming application.

(2) 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 35.460.050.B.3.c.(1) is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.

**d. Action of review authority.**

(1) **Action of the Montecito Commission.** The action of the Montecito Commission is final subject to appeal in compliance with Section 35.492 (Appeals).

(2) **Action of the Director.**

(a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.

(b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35.492 (Appeals).

**e. Recording action.** Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. **Notification after change.** After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

#### SECTION 2:

DIVISION 35.6, Montecito Site Development Regulations, 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 Subsection 35.460.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

- ~~C. **Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

#### SECTION 3:

DIVISION 35.6, Montecito Site Development Regulations, 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 35.460.050.D, Naming a road created by a subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.C and to read as follows:

- C. **Naming a road created by a subdivision.** The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.
1. **Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.
  2. **Procedure.**
    - a. **Naming of a road in conjunction with the approval of a tentative map.**
      - (1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
      - (2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
      - (3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the Montecito Commission at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
      - (4) **Appeal.** The decision of the Montecito Commission may be appealed in compliance with Chapter 35.492 (Appeals).

#### SECTION 4:

DIVISION 35.6, Montecito Site Development Regulations, 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 35.460.050.E, Road name selection, and Subsection 35.460.050.F, Road name signs, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.D and Subsection 35.460.050.E, respectively

**SECTION 5:**

DIVISION 35.6, Montecito Site Development Regulations, 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 Subsection 35.460.050.G, Fees, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

- G. ~~Fees.~~ A Road Name Application submitted by a private party shall include the non refundable fee specified by the Board Fee Resolution.**

**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 Subsection 35.474.030.D, Processing, of Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, to read as follows:

**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. Conditional Use Permits.**

- a. Extension of permit approval.** The Montecito Commission may extend the approval of a Conditional Use Permit 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) 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.
- (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 35.472.060.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 discontinuance of use one time for good cause shown in compliance with the following:

- (1) 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) 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) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

**3. Development Plans (Preliminary and Final).**

**a. Extension of permit approval.** The review authority that approved the Development Plan may extend the approval of the 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.7, 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 date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.

**4. Land Use Permits.** The Director may extend the time limit of 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 Subsection 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. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.

**6. Zoning Clearances.** The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:

- (a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) That the determination required in compliance with Subsection 35.472.180.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.

**7. 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. is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

SECTION 7:

Except as amended by this Ordinance, Division 35.6 and Division 35.7, 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 8:

Within the Coastal Zone portion of Santa Barbara County, SECTION 6 of this ordinance and any portion of SECTION 6 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; 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.

SECTION 9:

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2008, by the following vote:

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of April, 2008, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

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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:

DANIEL J. WALLACE  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



## ATTACHMENT D: ORDINANCE

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

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES), AND SECTION 35.76.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.76 (ROAD NAMING AND ADDRESS NUMBERING), OF ARTICLE 35.7 (SITE DEVELOPMENT REGULATIONS), AND SECTION 35.84.030 (TIME EXTENSIONS), OF CHAPTER 35.84 (POST APPROVAL PROCEDURES), OF CHAPTER 35.8 (PLANNING PERMIT PROCEDURES), TO DELETE THE REQUIREMENT FOR A MINOR CONDITIONAL USE PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS LOCATED IN DESIGNATED SPECIAL PROBLEM AREAS, TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00005

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

### SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to, in the Water Supply and Wastewater Facilities section of Table 2-1, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

### SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to, in the Water Supply and Wastewater Facilities section of Table 2-4, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual",

delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-7, Table 2-8, and Table 2-9 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-7, 2-8, and 2-9, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-14, Table 2-15, and Table 2-16 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-14, 2-15, and 2-16, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-20 (Allowed Land Uses and Permit Requirements for Industrial Zones) of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to in the Water Supply and Wastewater Facilities section of Table 2-20, delete "Wastewater treatment system, individual, Special Problem Area (5)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (5) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-22 and Table 23 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-22 and 2-23, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone” and renumber the remaining footnotes accordingly.

**SECTION 7:**

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.B, Naming or renaming an existing road, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to read as follows:

**B. Naming or renaming an existing road.**

- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
- 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.
  - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
  - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
  - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
- 3. Public hearing.**
  - a. Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.
  - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings). Additionally, notice shall be provided in compliance with the following:
    - (1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
    - (2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Chapter 35.106 (Noticing and Public Hearings).
  - c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
    - (1)** 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 35.106 (Noticing and Public Hearings).

(a) 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 road naming or renaming application.

(2) 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 35.76.050.B.3.c.(1) is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Commission's hearing agendas.

**d. Action of review authority.**

(1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).

(2) **Action of the Director.**

(a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.

(b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Chapter 35.102 (Appeals).

**e. Recording action.** Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

**4. Notification after change.** After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

**SECTION 8:**

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

~~**C. Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

**SECTION 9:**

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.D, Naming a road created by a subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.C and to read as follows:

- C. Naming a road created by a subdivision.** The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.
- 1. Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.
  - 2. Procedure.**
    - a. Naming of a road in conjunction with the approval of a tentative map.**
      - (1) Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
      - (2) Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall be filed in conjunction with the application for the tentative map.
      - (3) Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection ~~ED~~. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
      - (4) Appeal.** The decision of the review authority may be appealed in compliance with Chapter 35.102 (Appeals).

SECTION 10:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.E, Road name selection, and Subsection 35.76.050.F, Road name signs, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.D and Subsection 35.76.050.E, respectively

SECTION 11:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.G, Fees, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

- G. ~~Fees.~~** ~~A Road Name Application submitted by a private party shall include the non-refundable fee specified by the Board Fee Resolution.~~

SECTION 12:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.84.030.D, Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

**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 35.82.050.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 35.102 (Appeals).
- (2) Coastal Development Permit approved by the Commission.** The Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.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 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 35.106 (Noticing and Public Hearings).
  - (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (3) Coastal Development Permit approved by the Zoning Administrator.** The Zoning Administrator may extend the approval of a Coastal Development Permit for appealable development approved by the Zoning Administrator one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.82.050.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 Zoning Administrator 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 35.106 (Noticing and Public Hearings).
- (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.050.E (Findings required for approval) can still be made.

**2. Conditional Use Permits and Minor Conditional Use Permits.**

**a. Extension of permit approval.** The review authority that approved the Conditional Use Permit or Minor Conditional Use Permit may extend the approval of a Conditional Use Permit or Minor Conditional Use Permit 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) The review authority 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.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.

**b. Discontinuance of use.** The review authority may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:

- (1) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.

- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (3) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

**3. Development Plans (Preliminary and Final).**

**a. Extension of permit approval.** The review authority that approved the Development Plan may extend the approval of the 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 review authority 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.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (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 35.82.080.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 date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.

**4. Land Use Permits.** The Director may extend the time limit of 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 Subsection 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

**5. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.

**6. Zoning Clearances.** The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:

- (a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) That the determination required in compliance with Subsection 35.82.180.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.

**7. 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 35.106 (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 35.84.030.D.7.a. is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

**SECTION 13:**

Except as amended by this Ordinance, Articles 35.2, 35.7 and 35.8 of Section 35-1, the Santa Barbara County 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 14:**

Within the Coastal Zone portion of Santa Barbara County, SECTIONS 1,2 3, 4, 5, 6, and 12 of this ordinance and any portion of SECTIONS 1,2 3, 4, 5, 6, and 12 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; 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.

**SECTION 15:**

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2008, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

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SALUD CARBAJAL  
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:

DANIEL J. WALLACE  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

## ATTACHMENT E: 3/26/2008 COUNTY PLANNING COMMISSION REPORT

### **SANTA BARBARA COUNTY PLANNING COMMISSION Staff Report for Road Naming/Renaming, Special Problem Area Septic Systems, and Time Extension Processes Revisions Ordinance Amendment**

**Hearing Date: March 26, 2008**  
**Staff Report Date: March 7, 2008**  
**Case Nos.: 08ORD-00000-00005**  
**Environmental Document: CEQA Guidelines Section 15061(b)(3)**

**Development Services Director: Dianne Black**  
**Staff Contact: Pat Saley/Noel Langle**  
**Phone No.: 805.969.4605 / 805.568.2067**

#### **1.0 REQUEST**

Hearing on the request of the Planning and Development Department that the County Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 08ORD-00000-00005) amending Article 35.2 - Zones and Allowable Uses, Chapter 35.76 - Road Naming and Address Numbering, and Chapter 35.84 - Post Approval Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures for naming of new roads and renaming existing roads, permitting septic systems located in a designated Special Problem Area, and approving time extensions.

#### **2.0 RECOMMENDATION AND PROCEDURES**

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 08ORD-00000-00005 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Recommend that the Board of Supervisors adopt Case No. 08ORD-00000-00005, an amendment to Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

#### **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the County Land Use and Development Code. The Government Code and the County Land Use and Development Code require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Planning Area, review and consider proposed ordinance amendments and provide a recommendation to the Board of Supervisors.

#### **4.0 ISSUE SUMMARY AND BACKGROUND**

In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development staff work together to "Make the process easier to navigate, and more

time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process.

There are three types of discretionary actions under the jurisdiction of the County Planning Commission and the Zoning Administrator that currently require public hearings yet rarely, if ever, raise neighborhood or community issues: Road namings and renamings; New individual septic systems located in designated Special Problem Areas; and Time extensions on approved discretionary permits.

On January 9, 2008, your Commission held a public workshop to discuss the proposed process changes for these three types of process revisions (see Attachment D for staff report). During that workshop the Planning and Development Department proposed a fourth process change related to creating a class of Government Code Consistency Determinations that could be dealt with at a staff level instead of having to bring them to the Planning Commission. However, based on comments by the Commissioners received at that workshop, staff is not proposing any revisions to that process at this time.

The Montecito Planning Commission held a workshop on February 20, 2008 on the road naming and time extension process changes. The Montecito Planning Commission is scheduled to hold a public hearing on the changes on March 19, 2008. The Montecito Planning Commission did not consider process changes regarding new individual septic systems located in designated Special Problem Areas because there are no such designated areas.

## 5.0 PROJECT DESCRIPTION AND ANALYSIS

The following is a summary of the planning issues associated with the proposed changes in the process for road namings and renamings, new individual septic systems located in designated Special Problem Areas, and time extensions.

### 5.1 Road Namings and Renaming.

**Background.** Chapter 35.76 provides the road naming procedures and standards. The following table shows the existing notice requirements, jurisdiction and appeal body.

**Table 1 - Road Naming Requirements**

Type of Road Naming	Notice	Jurisdiction	Appeal
Naming or renaming of an existing road	Posted 3 places along affected road; mailed to all owners & tenants abutting affected road	Zoning Administrator	Planning Commission; Board of Supervisors
Naming of a road created by a subdivision in conjunction with tentative map approval	Same as required for tentative map	Same as for tentative map	Same as for tentative map
Naming of a road created by a subdivision following tentative map approval	None	Director	Planning Commission; Board of Supervisors

In 2005 and 2006, there were a total of 12 road naming/renaming applications; 11 in 2005 and one in 2006. Nine of these applications were for new road names and three were associated with the re-namings of existing roads.

**Discussion and recommendation.** The Oversight Committee and staff discussed both new road names and re-naming of roads and have the following comments and recommendations:

**Naming a new road created by a subdivision** - Generally, when a subdivision is being reviewed and new roads are proposed, the applicant submits the new road names as part of the tentative map application. In this case, the road names are noticed and reviewed along with the tentative map. However, the applicant may elect to wait on naming the new roads until after the tentative map is approved, but prior to recordation of the map. This requires a separate approval process by the Director. There is no required notice of this action by the Director, but the action may be appealed to the Planning Commission and Board of Supervisors. Staff is recommending that names for new roads created by tentative maps be required to be submitted and reviewed with the tentative map. This would combine two applications into one and increase efficiency.

**Naming or renaming of an existing road** - Occasionally the naming or renaming of an existing road is controversial, and staff and the Oversight Committee believe that jurisdiction should be retained by the Zoning Administrator to ensure that interested parties have a chance to comment if they so desire. Staff is proposing that the “waived hearing” process currently used for certain Coastal Development Permits could also be used for naming or renaming an existing road whereby neighbors would receive notice of the intention to waive the hearing for the proposed name change, and be able to request that a public hearing be held. After public notice of the intention to waive the hearing, if a hearing request is not submitted, then the jurisdiction would shift to the Director who would approve or deny the requested road name. If jurisdiction shifts to the Director, then an appeal of the Director’s decision would be restricted to appeals by the applicant of a denial of the road naming application. In this instance the appeal would be heard by the Planning Commission with the possibility of further appeal to the Board.

## 5.2 Septic Systems in Special Problem Areas

**Background.** The County Land Use and Development Code currently requires the approval of a Minor Conditional Use Permit (MCUP) for new individual septic disposal systems proposed to be located in Special Problem Areas that are designated as such due to sewage disposal constraints. After technical staff (i.e., the Special Problem Area Review Committee that includes a representative from the Environmental Health Services Division of the Public Health Department) reviews the application, it is acted on by the Zoning Administrator in a noticed public hearing. There have been a total of 19 applications for new septic systems in these areas between 2000 and 2007. Five were located in the Coastal Zone and 14 were located through the Coastal Zone.

**Discussion and Recommendation.** Special Problem Areas that are designated as such are located throughout the County including Ballard, Highway 154/246 intersection, Janin Acres, Los Alamos, Los Olivos, Mission Canyon, Naples, Summerland, and Sweeney Road. The concern regarding new septic systems in Special Problem Areas relates primarily to the need to implement the State Water Control Board Basin Plan and to protect groundwater, particularly outside the Urban-Rural boundary where municipal sewage disposal is typically not available.

The Special Problem Area Review Committee addresses concerns associated with proposed projects relative to drainage, waste water disposal, access road width, geologic and soil conditions, etc. Staff reviewed the septic system permit procedures with the members of the Special Problem Area Review Committee who were unanimous in their belief that technical staff should be reviewing these systems and that review by the Zoning Administrator does not seem to be warranted. The consensus of the Special Problem Area Review Committee, the Oversight Committee and staff is that a better process would be eliminate the requirement for a MCUP and only require a Coastal Development Permit or Land Use Permit after review by the Special Problems Area Review Committee. Neighbors would still receive notice of the pending permit for the septic system and could appeal any approval.

### 5.3 Time Extensions

**Background.** Time extensions for discretionary projects are currently under the authority of the decision-maker who has jurisdiction over the project for which the time extension is sought. The decision-maker, in order to approve the time extension, must be able to make the same findings required for approval that were made when the project was initially approved. Time extensions are subject to CEQA and require a public hearing. The action of the decision-maker may be appealed.

There have been a total of 50 time extensions approved by the two Planning Commissions and Zoning Administrator in the seven year period between 2000 and 2006, an average of seven per year. Fifteen of the time extensions were for subdivisions, 11 for Major Conditional Use Permits (CUPs) and 10 for Lot Line Adjustments. The remaining 14 were for Development Plans, Minor CUPs and Oil Production Plans.

**Discussion and recommendation.** Given that time extensions are seldom controversial, staff is recommending that the “waived hearing” approach discussed above be employed. This approach would allow neighbors or interested parties to request a public hearing if they believe it is warranted. If not, no hearing would be held. However, unlike the proposed process for road namings discussed above, even if a public hearing was waived and the jurisdiction shifted to the Director, the decision of the Director could still be appealed to the Planning Commission (and, potentially the Board of Supervisors) due to the broader issues that could be associated with the associated development project.

### 6.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as explained in Attachment B.

### 7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County’s Comprehensive Plan and applicable community and area plans. In order to approve any application, the proposal still must be found consistent with the Comprehensive Plan and any applicable community and area plans.

## **8.0 ORDINANCE COMPLIANCE**

The proposed ordinance amendment is consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this amendment.

## **9.0 PROCEDURES**

The Planning Commission may recommend approval, approval with revisions, or denial of staff's recommendations for the proposed amendment to the County Land Use and Development Code.

## **10.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **11.0 ATTACHMENTS**

- A. Findings
- B. CEQA Exemption
- C. 08ORD-00000-00005
- D. Planning Commission staff report, January 2, 2008 (heard by Commission on January 9, 2008)

## ATTACHMENT F: 4/16/2008 MONTECITO PLANNING COMMISSION REPORT

### SANTA BARBARA MONTECITO PLANNING COMMISSION Staff Report for Road Naming/Renaming and Time Extension Processes Revisions Ordinance Amendment

**Hearing Date: March 19, 2008**

**Development Services Director: Dianne Black**

**Staff Report Date: February 29, 2009**

**Staff: Pat Saley/Noel Langle**

**Case No.: 08ORD-00000-00004**

**Phone No.: 805.568.2067**

**Environmental Document: CEQA Guidelines Section 15061(b)(3)**

#### 1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 08ORD-00000-00004) amending the text of Chapter 35.460 (Road Naming and Address Numbering) and Chapter 35.474 (Post Approval Procedures), of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures for naming of new roads and renaming existing roads, and approving time extensions.

#### 2.0 RECOMMENDATION AND PROCEDURES:

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 08ORD-00000-00004 based upon the ability to make the appropriate findings.

Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Recommend that the Board of Supervisors adopt 08ORD-00000-00004, an amendment to Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

#### 3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission in compliance with Section 65855 of the Government Code and the Section 35.494.050 of the Montecito Land Use and Development Code. The Government Code and the Montecito Land Use and Development Code require that the Montecito Planning Commission, as the designated planning agency for the Montecito Community Plan area, review and consider proposed ordinance amendments and provide a recommendation to the Board of Supervisors.

#### 4.0 ISSUE SUMMARY

In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee



and Planning and Development staff work together to “Make the process easier to navigate, and more time efficient and collaborative, while maintaining the quality of development in the County.” The Board reaffirmed their commitment to this goal in October 2007. To that end, the Oversight Committee and the Planning and Development Department have been focusing on permit procedures that could be simplified without compromising the integrity of the process.

There are two types of discretionary actions under the purview of the Montecito Planning Commission that rarely, if ever, raise neighborhood or community issues: road namings and renamings, and time extensions on approved discretionary permits. Your Commission held a public workshop on February 20, 2008 to discuss possible changes in the process for these actions such that the County would hold a public hearing only when one is requested by an interested party. If there is no request for a public hearing, the hearing would be waived and the jurisdiction would shift to the Director who would approve or deny the request. For applications for time extensions, an appeal of the Director’s action to the Montecito PC and Board of Supervisors would still be possible; appeals of the action of the Director for road namings/renamings would be restricted to appeals by the applicant of a denial of an application for a road naming/renaming by the Director. If there is a request for a hearing, a hearing date would be selected and public notice of the scheduled Montecito Planning Commission would be mailed to the surrounding property owners as usual. The action of the Montecito Planning Commission could be appealed to the Board of Supervisors.

In the public workshop held February 20<sup>th</sup>, the Montecito Planning Commission made two specific requests relating to the proposed change in process for these two types of applications:

- The public notices sent to neighbors and interested parties need to be very clear that they have the right to request a public hearing that would be held at a later date after additional public notice; and
- The Commission asked that they receive copies of all waived hearing notices.

The Oversight Committee supports the proposed changes in process that are discussed in this report.

## **5.0 PROJECT INFORMATION AND ANALYSIS**

The following is a summary of the planning issues associated with the proposed changes in the process for road namings and renamings and time extensions with more information provided in the attached Montecito Planning Commission staff report from the February 20, 2008 workshop.

### **5.1 Road Naming and Renaming.**

- **Naming of a new road created by a subdivision.** Generally, when a subdivision is being reviewed and new roads are proposed, the applicant submits names the new roads as part of their application. In this case, the road names are noticed and reviewed along with the subdivision. However, sometimes road names are not proposed with the subdivision and a separate approval process is necessary. Staff is recommending that names for new roads created by subdivisions be required to be submitted and reviewed with the subdivision. This would combine two applications into one and increase efficiency.
- **Naming or renaming an existing road.** Staff is proposing that the “waived hearing” process be used for new road names or the renaming of an existing road. After public notice of the intention to waive the hearing, if no one requests a hearing, the jurisdiction would shift to the Director. An appeal by the applicant of the Director’s decision would only be allowed if the name is denied. If that is the case, then an appeal would be heard by the Montecito Planning Commission with the

possibility of further appeal to the Board.

**5.2 Time Extensions.** County regulations require that a time extension be approved by the original hearing body at a *de novo* hearing where new relevant issues can be raised. The Montecito PC has approved four time extensions since its inception in 2004, or approximately one each year. Most time extensions are routine and raise little or no public interest. The exception in Montecito has been the Miramar Hotel Renovation time extension in 2005. If this new waived hearing process were in effect at that time, it is possible that someone might have requested that the Miramar time extension be heard at a public hearing. The other three time extensions were for much smaller projects and probably would not have raised a request for a hearing. Regardless, if the process is changed, a noticed, public hearing would be held if requested.

## **6.0 ENVIRONMENTAL REVIEW**

The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as explained in Attachment B.

## **7.0 POLICY CONSISTENCY**

Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the Montecito Community Plan. In order to approve any Development, the proposed development still must be found consistent with the Comprehensive Plan and the Montecito Community Plan.

## **8.0 ORDINANCE COMPLIANCE**

The proposed ordinance amendment is consistent with the remaining portions of the Montecito LUDC that would not be revised by this amendment.

## **9.0 PROCEDURES**

The Planning Commission may recommend approval, approval with revisions, or denial of staff's recommendations for the proposed amendment to the Montecito LUDC.

## **10.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **11.0 ATTACHMENTS**

- A. Findings
- B. CEQA Exemption
- C. 08ORD-00000-00002
- D. February 20, 2008 Montecito Planning Commission staff report on shifting of permit reviews for certain applications.