



**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: 12/13/2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Development Services Director (805) 568-2086
SUBJECT: Submittal to the California Coastal Commission for Certification of the Article II Coastal Zoning Ordinance General Package Ordinance Amendment and Telecommunications Ordinance Amendment

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 adopt the attached resolution and direct staff to submit the following Local Coastal Program amendments to the California Coastal Commission for certification:

- A. Case No. 11ORD-00000-00007, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code to revise the existing procedures and development standards that regulate the construction and use of commercial telecommunications facilities.
- B. Case No. 11ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code to implement a series of amendments that address emerging issues and correct and clarify existing ordinance language.

Summary Text:

Case No. 11ORD-00000-00007 (Telecommunication Facilities Ordinance Amendment) was approved as Ordinance No. 4789 by the Board of Supervisors on May 17, 2011. Case No. 11ORD-00000-00014 (General Package) was approved as Ordinance No. 4811 by the Board of Supervisors on November 1, 2011. Because these ordinances constitute amendments to the Santa Barbara County's certified Local Coastal Program, specifically the Article II Coastal Zoning Ordinance, they are required to be submitted to the California Coastal Commission for review and certification.

The attached resolution, which is required to submit these amendments for certification, follows the normal amendment process provided for in the Coastal Commission administrative regulations [Division 5.5 of Title 14, California Code of Regulations, Section 13551(b)(2)]. Therefore, following review by the Coastal Commission, the Board will have six months from the date of the Coastal Commission's action to evaluate any suggested modifications to the amendments approved by the Coastal Commission and decide whether or not to accept the modifications [Division 5.5 of Title 14, California Code of Regulations, Section 13537(b)]. If the Board decides to accept the modifications, then the Board must adopt a resolution agreeing to implement the ordinances as modified. This resolution is then transmitted to the Executive Director of the Coastal Commission who will review the resolution and recommend to the Coastal Commission whether the action of the Board of Supervisors complies with regulations of the Coastal Act and the California Code of Regulations. If the Executive Director recommends that the County's actions are in compliance, and the Coastal Commission agrees with that recommendation, then the ordinances will become effective as of the date of that final action by the Coastal Commission.

Local jurisdictions may adopt a maximum of three resolutions per calendar year transmitting major amendments to the certified Local Coastal Program to the Coastal Commission for review and certification. This attached resolution, and the resolution submitting the Medical Marijuana Dispensary Ordinance, constitute the first and second submittals for 2011. Also being submitted to the Coastal Commission in 2011 for review and certification as minor amendments are the Economic Hardship Time Extension amendments and the Oil/Gas Well Hydraulic Fracturing amendment. There is no limit on the number of minor amendments that can be submitted within a calendar year. Resolutions transmitting these ordinance amendments to the California Coastal Commission are also scheduled to be considered by the Board on the December 13, 2011 agenda.

Performance Measures:

N/A.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Administration Division on page D-308 of the adopted Planning and Development Department's budget for fiscal year 2011-2012.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements.

Attachment:

1. Resolution Submitting Article II Coastal Zoning Ordinance Amendments to the California Coastal Commission

Authored by:

Noel Langle, Planner (805.568.2067)

Attachment 1:

**Resolution Submitting Article II Coastal Zoning Ordinance Amendments to the
California Coastal Commission**

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RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE)	
CALIFORNIA COASTAL COMMISSION)	
AMENDMENTS TO THE TEXT OF THE)	RESOLUTION NO: 11 - _____
ARTICLE II COASTAL ZONING ORDINANCE OF)	CASE NO: 11ORD-00000-00007
CHAPTER 35 OF THE SANTA BARBARA COUNTY)	CASE NO: 11ORD-00000-00014
CODE, A PORTION OF THE SANTA BARBARA)	
<u>COUNTY LOCAL COASTAL PROGRAM.</u>)	

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below:

1. Case No. 11ORD-00000-00007: Telecommunications Ordinance Amendment, attached as Exhibit A:

An Ordinance (Case No. 11ORD-00000-00007), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2, Definitions, and Division 7, General Regulations, to revise the existing procedures and development standards that regulate the construction and use of commercial telecommunications facilities.

2. Case No. 11ORD-00000-00014: General Package Ordinance Amendment, attached as Exhibit B:

An Ordinance (Case No. 11ORD-00000-00014), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, to implement a series of amendments that address emerging issues and correct and clarify existing ordinance language.

- D. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County and the Montecito Planning Commissions on the proposed amendments in duly noticed public hearings pursuant to Sections 65353 and 65854 of the Government Code, and

the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.

- E. The Board of Supervisors has held duly noticed public hearings in compliance with Section 65355 and 65856 of the Government Code on the proposed amendment, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- G. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Local Coastal Program.
3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JONI GRAY, CHAIR
Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

EXHIBITS:

- A. Case No. 11ORD-00000-00007: Telecommunications Ordinance Amendment
- B. Case No. 11ORD-00000-00014: General Package Ordinance Amendment

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EXHIBIT A:

**Telecommunications Ordinance Amendment
(Case No. 11ORD-00000-00007)**

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ATTACHMENT E: ARTICLE II ORDINANCE

ORDINANCE NO. 4789

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELECOMMUNICATIONS FACILITY COLOCATED, ADD NEW DEFINITIONS OF HUB SITE, MOBILE COMMUNICATIONS TEMPORARY FACILITY, AND VAULT, AMEND PROCESSING REQUIREMENTS FOR VERY SMALL FACILITIES AND TENANT IMPROVEMENTS, ADD NEW FINDINGS REQUIRING DEMONSTRATION OF NEED FOR SERVICE AND DEMONSTRATION OF EFFORTS TO REDUCE THE INTRUSIVENESS OF THE FACILITY THROUGH DESIGN AND SITING, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 11ORD-00000-00007 (Article II)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to amend the existing definitions of “Colocated Telecommunications Facility” and “Substantially Visible” to read as follows:

Substantially Visible. A facility is considered to be substantially visible if any portion of the facility stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye.

Telecommunications Facility Colocated. A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to add new definitions of “Hub Site,” “Temporary Facility” and “Vault” to read as follows and renumber the remaining definitions as appropriate:

Hub Site. A supplemental equipment site that is void of transeiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.

Mobile Telecommunications Temporary Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside.

Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and

personnel access such as a door, hatch, manhole or cover.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-137.3, Processing, of Section 35-137, Temporary Uses to amend Section 35-137.3.1, Exempt temporary uses, to read as follows:

1. **Exempt temporary uses.** The following temporary uses of property, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any Coastal Development Permit or Conditional Use Permit requirements:
 - a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;
 - b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
 - c. The proposed temporary use has been reviewed in advance by the Director of the Planning Department, and the Director determined that it meets all of the following criteria:
 - 1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;
 - 2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources in compliance with the policies and sections of the certified Local Coastal Program;
 - 3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources;
 - d. The Director of the Planning and Development Department, or the decision-maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
 - 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
 - a) On property that is less than five acres in size, use of the subject property for such

activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

- b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 3) **Charitable functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 4) **Mobile telecommunications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
 - a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sherriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 5) **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility in compliance with an approved development permit.
- 6) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
- 7) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-144F, Commercial Telecommunications Facilities, to read as follows:

Sec. 35-144F Commercial Telecommunications Facilities

- A. **Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. **Applicability.**
 1. **Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging).

This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.

2. Allowable zones and permit requirements. The following table, Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities, below, establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

a. Coastal Development Permit processing requirement.

- (1) Unless exempt in compliance with Section 35-169.2 (Applicability), all development requires a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).
- (2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan in compliance with Section 35.169.4 (Processing).

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Coastal Development Permit	35-144F.C.1.a
Tier 1 (b) Project - Hub sites	All zones	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 2 (a) Project - Very small facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.a 35-144F.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.b 35-144F.D
Tier 2 (c) Project - Colocated Facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.c 35-144F.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35-144F.C.2.d 35-144F.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit	35-144F.C.3.a 35-144F.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Minor Conditional Use Permit	35-144F.C.3.b 35-144F.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35-144F.C.4.b 35-144F.D

Notes:

(1) Not allowed in or within 300 feet of a residential zone.

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to zone regulations in compliance with Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with Section 35-137.3.1.

- b. Standards for Tier 1 projects, hub sites.** Wireless telecommunication facilities that comply with the following may be allowed:
- (1) The facility qualifies as a hub site.
 - (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
 - (3) The facility is located within a permitted building.
 - (4) The facility may be subject to review by the Board of Architectural Review (Section 35-184) in compliance with Section 35-184.2 (Applicability).
- 2. Tier 2 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:
- a. Standards for Tier 2 projects, very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:
- (1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.
 - (2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
 - (a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the decision-maker that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.
 - (3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - (4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
- b. Standards for Tier 2 projects, tenant improvements.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
- (1) The facility qualifies as a tenant improvement.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:

- (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
- (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
- (6) Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, colocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
- (1) The facility qualifies as a colocated telecommunications facility.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (a) As provided in Subsection C.2.b.(3).
 - (b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
- d. Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that comply with the following may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (i) As provided in Subsection C.2.c.(3).
 - (ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
 - a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) under the following circumstances:
 - (a) As provided in Subsection C.2.d.(1).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
 - (3) New freestanding antenna support structures and associated antennas that do not utilize

an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.

- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

b. Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:

- (1) Are not located in a residential zone as identified in Section 35-52 (Zoning District Designations and Applicability).
- (2) Do not exceed 50 feet in height.

4. Tier 4 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:

a. Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3. Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above, but do comply with the following development standards, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet in the Coastal Zone.

b. Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35-52 (Zoning District Designations and Applicability). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35-144G (Noncommercial Telecommunication Facilities).

- (1) Facilities that are subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.
- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities) shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. Setbacks. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - (3) A modification to the setback is granted in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).
- b. Height limits and exceptions.** Antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C (Processing) above.
- (1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
 - (2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet in height if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35-100 (F - Airport Approach Overlay District).
- c. Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- d. Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.
- e. Compliance with Federal Communication Commission.** The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
- f. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.

- h. Location within F - Airport Approach Overlay District.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
- i. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
- j. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- k. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:

- (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
- (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
- (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor, or licensed landscape architect. A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of the vegetation shall be done under the direction of a licensed arborist.

- (6) Vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.

- 2. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. An exemption may only be

granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for colocation.
- b. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
- c. Colocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4 of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Colocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The decision-maker determines that:
 - (a) Colocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
 - (b) The non-colocated development will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential colocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Department to be appropriate as colocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for colocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding colocation are located in Subsection E.3 (Colocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
- e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of

the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
 - a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
 - b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is colocated in a multiple user facility.
 - c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing colocated facility situated on a multiple user site.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
 - e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. **FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any

other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

- a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
- b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the decision-maker to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
 - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole,
 - (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following.
 - (a) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results

not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.C.1 shall be given in compliance with Section 35-181 (Noticing).
2. Notice of the pending decision of the Director on a Development Plan in compliance with Section 35-144F.3.2 shall be provided in compliance with Section 35-181 except that:
 - a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.
3. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing) and shall include mailed notice to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with the Planning and Development Department.
4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

G. Additional findings. In addition to the findings required by be adopted by the decision-maker in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits), in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker in compliance with Section 35-144F.4G.
 - a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
 - (3) Would avoid or reduce the potential for environmental impacts.

5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.
6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.
7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

I. Application requirements.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms;
 - b. Cross-sectional area calculations;
 - c. Service area maps;
 - d. Network maps;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
 - g. RF exposure studies;
 - h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. Commercial telecommunication facilities shall be subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. The Planning Commission is the decision-maker for the facility.
4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.
5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

SECTION 5:

Except as amended by this Ordinance, DIVISION 2 and DIVISION 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance and any portion of this ordinance 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.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 17th day of May, 2011, by the following vote:

AYES: Supervisors Carbajal, Wolf, Farr, Gray & Lavagnino
NOES: None
ABSTAINED: None
ABSENT: None

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

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EXHIBIT B:

**General Package Ordinance Amendment
(Case No. 11ORD-00000-00014)**

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ORDINANCE NO. 4811

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, AND DIVISION 11, PERMIT PROCEDURES, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS AND CORRECTIONS AND REVISIONS.

Case No. 11ORD-0000-00014 (Article II Coastal Zoning Ordinance)

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

SECTION 1:

DIVISION 1, IN GENERAL, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57A, Application Preparation and Filing, to read as follows:

Sec. 35-57A Application Preparation and Filing.

A. Application contents. Each application for a permit, amendment, or other matter pertaining to this Article shall be filed with the Director on a Department application form, together with required fees and/or deposits, and all other information and materials as identified in the Planning Department application for the specific type of application. At a minimum, submittal requirements shall be in compliance with the application requirements identified in Division 11 (Permit Procedures) and other Divisions of this Article, and may be increased or waived on a project specific basis as determined necessary or appropriate by the Director. It is the responsibility of the applicant to establish evidence in support of the findings required by the applicable permit, amendment, or other matter pertaining to this Article.

1. Defense and indemnification agreement.

- a. Unless disallowed by State law, at the time of the filing of an application, the Owner/Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, an approval of the application by the County.
 - (1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.

B. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this Article.

C. Application fees.

- 1. Fee schedule.** The Board of Supervisors shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Article,

hereafter referred to as the Board's Fee Resolution.

2. **Timing of payment.** Required fees and/or deposits shall be paid at the time of filing the application with the Director and no processing shall commence until the fee/deposit is paid.
3. **Refunds and withdrawals.** The required application fees and/or deposits cover County costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, a refund due to a denial is not required. In the case of an expiration or withdrawal of an application, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of expiration or withdrawal.

SECTION 2:

DIVISION 2, Definitions of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to amend the existing definitions of "Driveway" and "Trailer read as follows:

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

Trailer. A vehicle with or without motor power which is designed or used for hauling materials, personal property or vehicles, including watercraft, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer and mobile home; but not including mobile homes on a permanent foundation.

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definitions of "Adjacent," "Bedroom," "Charitable Function," "Contractor Equipment Storage Yard," "Department," "Fully enclosed or fully screened structure," "Motor vehicle," "Vehicle" and "Wastewater Treatment System" to read as follows:

Adjacent. See "abut."

Bedroom. An enclosed habitable room within the conditioned area of a structure that (1) is arranged, designed or intended to be occupied by one or more persons primarily for sleeping purposes, (2) complies with applicable building and housing codes, and (3) is permitted by Santa Barbara County to be used as a bedroom. Also known as a sleeping room.

Contractor Equipment Storage Yard. Indoor or outdoor facilities operated by, or on behalf of a licensed contractor for the storage of equipment, vehicles, and/or other materials commonly used in the individual contractor's type of business; storage of materials used for repair and maintenance of the contractor's own equipment; and buildings or structures for uses including equipment repair. Includes building contractors, landscape contractors, sign contractors, etc. Does not include office-only facilities that are not located on the same site as storage and/or maintenance facilities. Does not include junk yards.

Department. The Santa Barbara County Planning and Development Department, referred to in this

Article as the “Department” or the “Planning and Development Department.”

Fully enclosed or fully screened structure. A structure with (1) four walls that extend from the foundation floor to the roof of the structure, (2) a roof that completely covers the structure, and (3) doors that are kept closed and latched except when being used for egress and ingress to the structure. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window.

Motor vehicle. Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passengers, trucks, and recreational vehicles with motive power.

Motor vehicle, inoperative. A motor vehicle that is incapable of being immediately started and moved under its own power without any modifications or repairs or does not have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Motor vehicle, operative. A motor vehicle that is able to be immediately started without any modifications or repairs and has a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wastewater Treatment System, Alternative. A wastewater treatment system that utilizes a mound or evapo-transpiration type system to treat sewage before disposal.

SECTION 4:

DIVISION 6, Parking Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-117A titled “Additional Standards for Residential Zones and Uses” and to read as follows:

Section 35-117A Additional Standards for Residential Zones and Uses

- 1. Exterior parking.** The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Section 35-117A) of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permits in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking in not in compliance with Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section 35-117A shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 - a. Current registration or certificate of non-operation required.** All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

- 1) Have a current, unexpired registration with the California Department of Motor Vehicles that allows the vehicle to be driven, moved, towed or left standing (parked) upon any road or street; or,
- 2) Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.

b. Limitation on number.

- 1) Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35-108 (Required Number of Spaces: Residential), the exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.
 - a) Parking allowed in compliance with this Subsection 1.b.1) may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - i) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
 - ii) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that a greater width may be allowed if necessary to comply with County or fire protection district regulations, and, in all cases a driveway having a maximum width of 10 feet shall be allowed.
 - iii) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
- 2) **Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection 1.b.1), above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.
 - a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	2	420 sq. ft.
20,000 sq. ft. or larger	3	700 sq. ft.

- b) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- c) On lots having a net lot area of less than 20,000 square feet, vehicles shall not be parked in any area located between the front line of the lot and the principal

dwelling.

- c. Additional standards for inoperative motor vehicles.** The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:
- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
 - 2) Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
 - 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
 - 4) The parking of inoperative motor vehicles regulated under Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.
- d. Modifications to standards allowed with a Minor Conditional Use Permit.** Parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- e. Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G.10, Storage of Trailers as accessory to a residential use, of Section 35-132, Trailer Use, to read as follows:

Section. 35-132.10. Storage of Trailers as an Accessory Use to a Residential Use.

Trailers may be stored on a lot, as accessory to the residential use of the lot provided all the following standards are complied with. Watercraft may be kept on the trailer that is stored on the lot.

1. Trailers shall not be kept, parked or stored in:
 - a. Required front setback areas.
 - b. Parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
2. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
3. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.

4. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
5. Trailers holding vehicles or used to store materials shall be in compliance with Section 35-144J (Accessory Storage).
6. The storage of a trailer does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the trailer will:
 - a. Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.
 - d. Meets all other exemption criteria in compliance with Section 35-169.2.1.

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 10 of Section 35-142.6, Development Standards, of Section 35-142, Residential Second Units, to read as follows:

10. A residential second unit shall not be permitted on a lot in addition to:
 - a) A guest house.
 - b) Dwellings other than the principal dwelling that are determined to be nonconforming as to use.
 - c) A farm employee dwelling unless the lot is zoned AG-I in which case the residential second unit may be permitted in addition to a farm employee dwelling.

If a residential second unit exists or has been approved on a lot, a guest house or similar structure, not including farm employee dwellings on lots zoned AG-I, may not subsequently be approved unless the residential second unit is removed.

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144I titled "Animal Keeping" to read as follows:

Sec. 35-144I. Animal Keeping.

1. **Purpose and Intent.** This Section identifies zones that allow the keeping of household pets in addition to those zones where animal keeping is presently included. The intent of this Section is to ensure that the keeping of household pets does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, odor and noise), by providing standards for the keeping of household pets.
2. **Applicability.** This Section applies to the SR-M - Medium Density Student Residential (Section 35-76), SR-H - High Density Student Residential (Section 35-77), C-1 - Limited Commercial (Section 35-77A), C-2 - Retail Commercial (Section 35-78), C-V - Resort/Visitor Serving

Commercial (Section 35-81), PI - Professional and Institutional (Section 35-83), REC - Recreation (Section 35-89), MHP - Mobile Home Park (Section 35-91), and M-CR - Coastal Related Industry (Section 35-92).

3. Standards. Household pets shall be kept in compliance with the following standards:

- a) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
- b) There shall be no more than three dogs permitted on a single lot.
- c) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
- d) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- e) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
- f) No rooster or peacock shall be kept or raised on the lot.

4. Accessory structures. Buildings, and structures accessory and customarily incidental to the keeping of household pets may be allowed in compliance with the standards of the applicable zone and this Article.

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144J titled as Accessory Storage and to read as follows:

Sec. 35-144J. Accessory Storage of Materials.

- A. Purpose and Intent.** This Section provides standards for the keeping and maintaining of exterior storage accessory to the principal structure located on the lot on which the storage occurs or use of the lot on which the storage occurs. The intent of this Section is to ensure that the keeping and maintaining of exterior storage does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. Standards for accessory storage of materials.** Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish accessory storage except when 1) this Section requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169.2 (Applicability), or 3) the accessory storage is not in compliance with Section 35-169.2 (Applicability). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Building materials and equipment used in a construction project.

- a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations,
- 1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:
 - a) There is a valid building permit or planning permit in effect for the construction project; and
 - b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.
 - 2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.
- b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

2. Outdoor storage of miscellaneous materials. The storage of miscellaneous materials including articles, building materials not associated with the construction of a structure for which there is an valid planning or building permit, equipment, junk, motor vehicle parts, scrap or tools outside of a fully enclosed or fully screened structure is subject to the following requirements.

a. Area occupied by stored materials.

- 1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
1 acre or larger	1,000 sq. ft.

- 2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

b. Maximum height of stored materials: Five feet.

c. Screening required. Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high

solid wood fence or masonry wall.

- d. **Location of storage.** Storage of miscellaneous materials shall not be located within required front setback or side setback areas.
- e. **Modifications to standards allowed with a Minor Conditional Use Permit.** The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
- f. **Noncompliance deemed a violation of this Article.** As of [six months from the effective date of these regulations], storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection C.2.e, above, shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 9:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K titled as Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc., and to read as follows:

Sec. 35-144K. Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.

- A. **Purpose and Intent.** This Section provides standards for the motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.. The intent of this Section is to ensure that motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).
- B. **Applicability.** This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).
- C. **Standards for motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.** The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Section) on a motor vehicle is allowed only in compliance with the following standards. This Section shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.
 - 1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
 - 2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35-108

(Required Number of Spaces: Residential).

3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Sec. 35-144J (Accessory Storage of Materials), above, and shall not be located on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-108 (Required Number of Spaces: Residential) as allowed by Subsection C.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 10:

DIVISION 8, Services, Utilities and Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.g of Section 35-147, Processing, to read as follows:

- g. Alternative waste disposal systems that utilize mound or evapo-transpiration systems;

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.10, Content of Application for a Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Subsection 19 to read as follows, and to renumber existing Subsection 19 as Subsection 20:

19. An application for a Coastal Development Permit for the development requested by the Demolition and Reclamation Permit application shall also be submitted and shall be processed concurrently and in conjunction with the Demolition and Reclamation Permit application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
20. Any other information deemed necessary by the Director to address site-specific factors.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170.11, Processing of Demolition and Reclamation Permit, of Section 35-170, Abandonment of Certain Oil/Gas Land, to read as follows:

Section 35-170.11 Processing of Demolition and Reclamation Permit.

1. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The Planning and Development Department shall process applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.19, above.
 - a. A Demolition and Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. **Jurisdiction.**
 - a. **Appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.
 - b. **Not appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Director shall be the decision-maker for the Demolition and Reclamation Permit.
4. **Notice, public hearing and decision.**
 - a. **Demolition and Reclamation Permits under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Demolition and Reclamation Permit.
 - 1) Notice of the pending decision of the Director on the Demolition and Reclamation Permit shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Demolition and Reclamation Permit. Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
 - 3) The action of the Director on the Demolition and Reclamation Permit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action may be appealed within the 30 calendar days immediately following the decision.
 - b. **Demolition and Reclamation Permits under the jurisdiction of the Zoning Administrator.** A public hearing shall be required if the Zoning Administrator is the decision-maker for the Development Plan.
 - 1) The Zoning Administrator shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the

request.

- 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
 - 3) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals). Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
5. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-170, Abandonment of Certain Oil/Gas Land, to add a new Section 35-170.16 titled "Post Approval Procedures" to read as follows:

35-170.16 Post Approval Procedures.

Changes to an approved Demolition and Reclamation Permit shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Demolition and Reclamation Permit if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. **Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits shall be required.
 - 1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously

approved Demolition and Reclamation Permit.

d. Expiration of Demolition and Reclamation Permit not revised. Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of a Substantial Conformity Determination, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.

2. Amendments. Where the Director is unable to determine that a requested change to an approved Demolition and Reclamation Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Demolition and Reclamation Permit in compliance with the following.

a. Contents of application. An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

- a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
- b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

b. Area under review. The location within the project site that the subject of the application for the Amendment:

- 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
- 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

c. Processing.

1) Development that may be appealed to the Coastal Commission.

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- d) Action and appeal.**
 - i) The Zoning Administrator shall hold at least one noticed public hearing on the application for the Amendment and the application for the Coastal

Development Permit and approve, conditionally approve, or deny the request.

- ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:

- i) That the findings required for approval of the Demolition and Reclamation Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Demolition and Reclamation Permit was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
- ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Demolition and Reclamation Permit.

f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

2) **Development that may not be appealed to the Coastal Commission.**

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) **Action and appeal.**

- i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.
- ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

- e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
 - i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or Land Use Permit shall be required in compliance with the following.
- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) **Development that may be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) Until the applicant has signed the Coastal Development Permit.
 - v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
 - b) **Development that may not be appealed to the Coastal Commission.** A

Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
- ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- iii) Until all necessary prior approvals have been obtained.
- iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
- v) Until the applicant has signed the Coastal Development Permit.

2) Land Use Permit required. If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permit shall not be issued and deemed effective:

- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
- ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
- iii) Until all necessary prior approvals have been obtained.
- iv) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. Expiration of Demolition and Reclamation Permit not revised. Where a minor change to an approved Demolition and Reclamation Permit is approved by the approval of an Amendment, the Demolition and Reclamation Permit shall have the same effective and expiration dates as the original Demolition and Reclamation Permit.

3. Revisions.

- a. A Revised Demolition and Reclamation Permit shall be required for changes to a Demolition and Reclamation Permit where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Demolition and Reclamation Permit shall be processed in the same manner as a new Demolition and Reclamation Permit.

SECTION 14:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning

Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

3. Time limit.

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit shall be issued.
- 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.
 - 3) The decision-maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:
 - a) A written request that includes a statement of the reasons for the time extension request is filed with the Department prior to the expiration date.
 - b) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.
 - 4) A Conditional Use Permit shall be considered void and of no further effect if:
 - a) The required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved, of
 - b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.
- b. Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required or Land Use Permit shall be issued within the time limit(s) established by the phasing plan.
- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
 - 2) If the required time limit(s) in which to obtain the required Land Use Permit for the first phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
 - 3) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:

- a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
- b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.11, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-172, Conditional Use Permits, to read as follows:

Sec. 35-172.11 Substantial Conformity, Amendments and Revisions.

Changes to a Conditional Use Permit shall be processed as follows:

- 1. Substantial Conformity.** The Director may approve a minor change to an approved Conditional Use Permit if the Director first determines, in compliance with the County's Substantial Conformity Guidelines (see Appendix B), that the change is in substantial conformity with the approved Conditional Use Permit.
 - a. Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required.
 - 1) Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit.
 - d. Expiration of Conditional Use Permit not revised.** Where a minor change to an approved Conditional Use Permit is approved by the approval of a Substantial Conformity

Determination, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

2. **Amendments.** Where the Director is unable to determine that a requested change to an approved Conditional Use Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Conditional Use Permit in compliance with the following.
 - a. **Contents of application.** An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - 1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:
 - a) The development is located within the retained permit jurisdiction of the Coastal Commission, or
 - b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Area under review.** The location within the project site that is the subject of the application for the Amendment:
 - 1) Was analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or
 - 2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.
 - c. **Processing.**
 - 1) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - 2) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
 - 3) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - 4) **Action and appeal.**
 - a) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - c) The action of the Zoning Administrator is final subject to appeal in compliance

with Section 35-182 (Appeals).

5) Findings.

- a) **Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
- (i) That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.
 - (ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.
- b) **Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

d. Permit required prior to commencement of development. Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or a Land Use Permit shall be required in compliance with the following:

- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
- a) A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - (i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - (ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (iii) Until all necessary prior approvals have been obtained.
 - (iv) Until the applicant has signed the Coastal Development Permit.
 - (v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

2) **Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permits shall not be issued and deemed effective:

- (1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
- (2) Until all conditions of the Land Use Permit that are required to be satisfied prior to issuance of the Land Use Permit have been satisfied.
- (3) Until all necessary prior approvals have been obtained.
- (4) For applications for grading of individual building pads on property located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
- (5) Until the approval of a Coastal Development Permit by the Coastal Commission has been obtained.

e. **Expiration of Conditional Use Permit not revised.** Where a minor change to an approved Conditional Use Permit is approved by the approval of an Amendment, the Conditional Use Permit shall have the same effective and expiration dates as the original Conditional Use Permit.

3. Revisions.

- a. A Revised Conditional Use Permit shall be required for changes to an approved Conditional Use Permit where the findings set forth in Section 35-172.11.2 for Amendments cannot be made and substantial conformity cannot be determined.
- b. A Revised Conditional Use Permit shall be processed in the same manner as a new Conditional Use Permit.

SECTION 16:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time Limit, of Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

3. Time limit.

- a. **Preliminary Development Plans.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the the decision-maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the

Preliminary Development Plan must be received prior to the expiration of such Plan.

b. Final Development Plans.

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - b) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection 3.b)1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - c) **Time extensions.** The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision-Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.
 - i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.
 - ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.
- 2) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit shall be issued within the time limit(s) established by the phasing plan.
 - a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
 - b) If the required time limit(s) in which to obtain the Land Use Permit for the first phase of the project authorized by the Final Development Plan has expired and

an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

- c) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of not further effect in compliance with Subsection 2)c)i), above.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.10, Substantial Conformity Determinations, Amendments and Revisions, of Section 35-174, Development Plans, to read as follows:

Sec. 35-174.10 Substantial Conformity, Amendments and Revisions.

Changes to a Preliminary or Final Development Plan shall be processed as follows:

1. **Substantial Conformity.** The Director may approve a minor change to an approved Final Development Plan if the Director first determines, in compliance with the County's Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.
 - a. **Contents of application.** An application for an Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - b. **Processing.**
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
 - c. **Land Use Permit required.** Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required.
 - 1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit approved in

compliance with Section 35-178 (Land Use Permits) that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Final Development Plan.

d. Expiration of Final Development Plan not revised. Where a minor change to an approved Final Development Plan is approved by the approval of a Substantial Conformity Determination, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.

2. Amendments. Where the Director is unable to determine that a requested change to an approved Final Development Plan is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Final Development Plan in compliance with the following.

a. Contents of application. An application for an Amendment shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

1) An application for a Coastal Development Permit for the development requested by the Amendment application shall also be submitted and shall be processed concurrently and in conjunction with Amendment application except when the Coastal Commission approves the Coastal Development Permit because:

a) The development is located within the retained permit jurisdiction of the Coastal Commission, or

b) The project is located in an area of the County where the County's Local Coastal Program has not been certified by the Coastal Commission.

b. Area under review. The location within the project site that the subject of the application for the Amendment:

1) Was analyzed for potential environmental impacts and policy consistency as a part of the processing of the approved permit and an Addendum to the previous environmental document could be prepared in compliance with the California Environmental Quality Act; or

2) Was not analyzed for potential environmental impacts and policy consistency as part of the processing of the approved permit, but the proposed new development could be found exempt from environmental review in compliance with the California Environmental Quality Act.

c. Processing.

1) Development that may be appealed to the Coastal Commission.

a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.

b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.

c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) Action and appeal.

- i) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
- ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

e) Findings for the Amendment. The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:

- (i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
- (ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.

f) Findings for the Coastal Development Permit. The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

2) Development that may not be appealed to the Coastal Commission.

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if determined to be unnecessary by the Director.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).

d) Action and appeal.

- i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.

- ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
 - i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit or a Land Use Permit shall be required in compliance with the following.
- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) **Development that may be appealed to the Coastal Commission.** A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).

- v) Until the applicant has signed the Coastal Development Permit.
 - vi) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).
- b) Development that may not be appealed to the Coastal Commission.** A Coastal Development Permit shall be approved and issued in compliance with Subsection 35-169.4.1. The Coastal Development Permit shall not be issued and deemed effective:
- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until the applicant has signed the Coastal Development Permit.
- 2) Land Use Permit required.** If the development and/or use allowed by the Amendment is located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required. The Land Use Permit shall not be issued and deemed effective:
- i) Prior to expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Land Use Permit that are required to be satisfied prior to the issuance of the Land Use Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until approval of a Coastal Development Permit by the Coastal Commission has been obtained.
- e. Expiration of Final Development Plan not revised.** Where a minor change to an approved Final Development Plan is approved by the approval of an Amendment, the Final Development Plan shall have the same effective and expiration dates as the original Final Development Plan.

3. Revisions.

- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.
- b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Expiration.

1. The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the date of decision-maker action except that a Land Use Permit approved or conditionally approved and unissued as of [effective date of ordinance] shall be valid for 12 months following [effective date of ordinance]. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.
2. A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.a of Section 35-179.2, Applicability, of Section 35-179, Modifications, to read as follows:

- a. The total area of each front, side or rear setback area shall not be reduced by more than 20 percent of the minimum setback area required pursuant to the applicable District regulations.
 - 1) If a portion of a front, side or rear setback area that is requested to be reduced is occupied by a nonconforming structure(s) at the time of application for the Modification, then the setback area occupied by the nonconforming structure(s) shall be added to the amount of setback area requested to be reduced in determining whether the requested reduction in front, side or rear setback area would exceed 20 percent of the minimum setback area required pursuant to the applicable District regulations.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.5,

Processing, of Section 35-179, Modifications, to read as follows:

Section 35-179.5 Processing.

1. The Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to the provisions of Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, before the project being heard by the Zoning Administrator
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and either approve, conditionally approve, or deny the request.
4. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
5. The decision-maker, in approving the Modification, may require conditions as deemed reasonable and necessary to promote the intent and purpose of this Article and the public health, safety, and welfare.
6. The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director of the Planning and Development Department in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the decision-maker hearing agendas.
 - 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 Section 35-181 (Noticing).
 - 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 Modification application.
 - b. A written request for public hearing is not received by the Planning and Development Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

SECTION 21:

All existing indices, section references, and figure and table numbers contained in Article II, the Coastal Zoning Ordinance, of Chapter 35. Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 22:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 23:

This ordinance and any portion of it 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, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 1st day of November, 2011, by the following vote:

AYES: Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, Supervisor Lavagnino

NOES: None

ABSTAINED: None

ABSENT: None

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel