

ATTACHMENT J: RESOLUTION 14-03 COUNTY LUDC

**RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-1, THE SANTA BARBARA COUNTY LAND)
USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING,) RESOLUTION NO.: 14 - 03
OF THE COUNTY CODE, AMENDING ARTICLE 35.2, ZONES)
AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE)
PLANNING AND OTHER PROJECT STANDARDS, ARTICLE) CASE NO.: 13ORD-00000-00008
35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE)
35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10,)
LAND USE AND DEVELOPMENT CODE ADMINISTRATION,)
AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW)
REGULATIONS AND MAKE OTHER MINOR)
CLARIFICATIONS, CORRECTIONS AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 13ORD-00000-00008) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will (1) revise existing permit processes to enhance clarity and efficiency, (2) add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area, and (3) correct and clarify existing text provisions.
- E. This Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Planning Staff report dated October 17, 2013.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

PASSED, APPROVED AND ADOPTED this February 12, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

(signed copy on file)

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. 13ORD-00000-00008

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 13ORD-00000-00008

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the “Services” section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	
Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
SERVICES					
Cemetery	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	35.42.090
Small family day care home	E	E	E	E	35.42.090
Child care center, Non-residential	MCUP	MCUP	MCUP	MCUP	35.42.090
Child care center, Residential	MCUP	MCUP	MCUP	MCUP	35.42.090
Lodging - Guest ranch	—	—	CUP	CUP	
Lodging - Hostel	CUP —	—	CUP	—	35.42.240
Mausoleum	CUP	—	CUP	—	
Medical services - Animal hospital	MCUP	CUP	P	CUP	35.42.250
Mortuary, accessory to cemetery	CUP	—	CUP	—	35.42.120

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).
- (4) Limited to specific locations. See the limitations on location for the use in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.c, Screening required, of Subsection C, Accessory storage of materials, of Section 35.23.050, Residential Zones Development Standards, of Chapter 35.23, Residential Zones, to read as follows:

- 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. The fence or wall shall be located in close proximity to the materials being stored so as to effectively screen the storage area.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the “Retail Trade” section of Table 2-14, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E		P		MCUP		CUP		S		—	
	Allowed use, no permit required (Exempt)		Permitted use, Land Use or Coastal-Permit required (2)		Minor Conditional Use Permit required		Conditional Use Permit required		Permit determined by Specific Use Regulations		Use Not Allowed	
	PERMIT REQUIRED BY ZONE						Specific Use Regulations					
LAND USE (1)	CN	C-1	C-1 CZ	C-2	C-2 CZ							
RETAIL TRADE												
Auto and vehicle sales and rental	—	—	—	P	P							
Bar, tavern	—	—	—	P(3)	P(3)							
Building and landscape materials sales - Indoor	—	—	—	MCUP	MCUP							
Building and landscape materials sales - Outdoor	—	—	—	MCUP	MCUP							
Convenience store, less than 3,000 sf or less net floor area	P(4)	P(5)	P	P	P							
Convenience store, 3,000 sf or more net floor area	P(4)	P(5)	P	P	P							
Drive-through facility	CUP	CUP	CUP	CUP	CUP	35.42.130						
Farm supply and feed store	—	—	—	—	—							
Fuel dealer	—	—	—	—	—							
General retail	P(4)	P(5)	P	P	P							
Grocery/food store, 3,000 sf or less	P(4)	P(5)	P	P	P							
Grocery/food store, 5,000 sf or less	—	P(5)	P	P	P							
Grocery/food store, more than 5,000 sf	—	P(5)	P	P	P							
Mobile home, boat, and RV sales and repair	—	—	—	MCUP	MCUP							
Office supporting retail	P(4)	P(5)	P	P	P							
Plant nursery	—	P	P	P	P							
Restaurant, café, coffee shop - Indoor and outdoor	— P	P	P	P(3)	P(3)							
Restaurant, café, coffee shop,- Within an office building	—	—	—	—	—							
Service station	MCUP	MCUP	MCUP	P	P							
Shopping center - Community	—	—	—	—	—							
Shopping center - Convenience	—	—	—	—	—							
Swap meet	—	—	—	CUP	CUP							
Truck stop	—	—	—	—	—							
Truck, trailer, construction, farm, heavy equipment sales/rental	—	—	—	MCUP	MCUP							
Visitor-serving commercial	—	—	—	P	P							

Key to Zone Symbols

CN	Neighborhood Commercial	C-2	Retail Commercial
C-1	Limited Commercial	CZ	Coastal Zone

Notes:

- See Article 35.11 (Glossary) for land use definitions.
- Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- May include beer brewing and wine making provided (a) the area devoted to beer brewing and wine making, including the area devoted to equipment and storage of materials and supplies, does not exceed 50 percent of the interior floor area of the primary business, and (b) the product is primarily sold for on-site consumption.
- Limited to establishments that supply commodities to meet the day-to-day needs of residents in the neighborhood.
- Limited to establishments that supply commodities to the residences in the neighborhood.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 2-15, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-15 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	P	P	—	35.42.020
Agricultural processing	P(3)	P(3)	P(34)	P(3)	—	35.42.040
Agricultural use as permitted on adjacent lot zoned AG or residential	—	—	P	P	—	
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	35.42.060
Cultivated agriculture, orchard, vineyard	—	—	—	—	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	—	35.82.160
Mining - Surface, less than 1,000 cubic yards	P(45)	P(45)	P(45)	P	—	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	CUP	CUP	—	35.82.160
Oil and gas uses	CUP	—	—	—	—	35.5

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Bakery and baked goods production and distribution	P	P(3)	—	—	—	
Furniture/fixtures manufacturing, cabinet shops	P(3)	P(3)	—	—	MCUP	
Handcraft industry, small scale manufacturing	MCUP	MCUP	—	—	MCUP	35.42.160
Laundry, dry cleaning plant	P(3)	P(3)	—	—	—	
Media production	—	—	—	—	—	
Metal products fabrication, machine and welding shops	P(3)	P(3)	—	—	—	
Printing and publishing	P	P(3)	—	—	—	
Recycling - Small collection center	—	CUP	—	—	—	
Recycling - Small collection center, non-profit	P	CUP	—	—	—	
Recycling - Specialized materials collection center	P	—	—	—	—	
Sign fabrication and painting shop	—	P(3)	—	—	MCUP	
Sign painting shop	P(3)	P	—	—	MCUP	
Storage - Contractor equipment storage yard	P	P(3)	—	—	—	
Storage - Personal storage facility (mini storage)	P	P	—	—	—	
Storage - Warehouse, not used for wholesaling or distribution	P	P	—	—	—	
Wholesaling and distribution	P(3)	P(3)	—	—	—	
Wholesaling and distribution - Essential to agriculture, except manure	P(3)	P	CUP	CUP	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (34) Restricted to the processing of on-premise products.
- (45) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	—	—	—	
Commercial entertainment - Indoor	P	—	—	—	MCUP	
Commercial entertainment - Outdoor	CUP	—	—	CUP	—	
Community center	—	—	—	—	P	
Conference center	CUP	CUP	CUP	CUP	—	
Country club	CUP	CUP	CUP	CUP	—	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	—	
Fairgrounds	CUP	CUP	CUP	CUP	—	
Fitness/health club or facility	P	—	—	—	P	
Golf course	P(3)	CUP	MCUP	MCUP	—	
Golf driving range	P	CUP	MCUP	MCUP	—	
Library	CUP	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	CUP	
Park, playground	—	—	—	—	—	
Recreational vehicle (RV) park	—	—	CUP	CUP	—	
School	CUP	CUP	CUP	CUP	CUP	
School - Business, Professional, or Trade	P	CUP	CUP	CUP	P	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	—	
Sports or entertainment assembly facility	—	—	CUP	CUP	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	—	P	
Theater - Indoor	P	—	—	—	P	
Theater - Outdoor	CUP	—	CUP	CUP	—	
Trail for hiking or riding	—	—	—	—	P	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	MCUP	P	P	—	35.42.080
Dwelling, one-family	—	—	—	—	P	
Dwelling, two-family	—	—	—	—	P	
Dwelling, multiple	—	—	—	—	P	
Emergency shelter	P	P	—	—	MCUP	
Mixed use project residential component	MCUP	—	—	MCUP	P	35.42.200
Monastery	CUP	CUP	CUP	—	—	
Residential accessory use or structure	MCUP	MCUP	P	P	P	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	—	
Single room occupancy facility (SRO)	P	—	P	—	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	MCUP	P(4)	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) ~~Changed from MCUP to P to comply with change in State law.~~

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

RETAIL TRADE

Auto and vehicle sales and rental	P	—	—	—	—	
Bar, tavern	P(3)	—	—	—	P	
Building and landscape materials - Indoor	P(4)	P(4)	—	—	—	
Building and landscape materials - Outdoor	P	P	—	—	—	
Convenience store, 3,000 sf or less net floor area	P	—	P(45)	P	P	
Convenience store, 3,000 sf or more net floor area	P	—	—	—	P	
Drive-through facility	CUP	CUP	CUP	CUP	—	35.42.130
Farm supply and feed store	P	P(4)	—	—	—	
Fuel dealer	P(56)	P(4)	—	—	—	
General retail	P	—	—	—	P	
Grocery/food store, 3,000 sf or less	P	—	CUP(45)	CUP	P	
Grocery/food store, 5,000 sf or less	P	—	CUP(45)	CUP	P	
Grocery/food store, more than 5,000 sf	P	—	—	—	P	
Mobile home, boat, and RV sales and repair	—	—	—	—	—	
Office supporting retail	P	—	—	—	P	
Plant nursery	P	—	—	—	P	
Restaurant, café, coffee shop - Indoor and outdoor	P(45)	—	P(45)	P	P	
Restaurant, café, coffee shop - Within an office building	—	—	—	—	—	
Service station	P	—	P	P	— (67)	
Shopping center - Community	—	—	—	—	—	
Shopping center - Convenience	—	—	—	—	—	
Swap meet	CUP	—	—	—	CUP	
Truck stop	—	—	MCUP	MCUP	—	
Truck, trailer, construction, farm, heavy equipment sales/rental	P	—	—	—	—	
Visitor-serving commercial	P	—	P(45)	P	P	

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

Bank, financial services - Branch facility	P	—	—	—	P	
Bank, financial services - Complete facility	P	—	—	—	P	
Business support service	P	P	—	—	P	
Drive-through facility	CUP	CUP	CUP	CUP	—	35.42.130
Medical services - Animal hospital, small animals	P	P	—	—	CUP	35.42.250
Medical services - Clinic	CUP	CUP	CUP	CUP	CUP	
Medical services - Doctor office	P	—	—	—	P	
Medical services - Extended care	CUP	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	—	
Office - Business/service	P	—	—	—	P	
Office - Professional/administrative	P	—	—	—	P	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Includes microbreweries that are accessory and secondary to a bar or restaurant.
- (4) Shall be conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (45) No off-premise alcoholic beverage sales allowed; no alcoholic beverage sales in restaurant except when food also served.
- (56) Limited to the sale of fuel for agricultural equipment.
- (67) A service station existing at the time of the adoption of the CM-LA zone shall be considered a permitted use rather than a nonconforming use.

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

SERVICES - GENERAL

Cemetery, mausoleum	CUP	CUP	CUP	CUP	—	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	CUP	
Large family day care home	P	—	P	P	P	35.42.090
Small family day care home	E	—	E	E	E	35.42.090
Child care center, Non-residential	P	MCUP	MCUP	MCUP	P	35.42.090
Child care center, Non-residential, accessory	—	P	P	P	P	35.42.090
Child care center, Residential	MCUP	—	MCUP	MCUP	MCUP	35.42.090
Drive-through facility	CUP	CUP	CUP	CUP	—	35.42.130
Lodging - Bed and breakfast inn	MCUP	—	—	—	P	
Lodging - Guest ranch	—	—	—	—	—	
Lodging - Hostel	CUP	CUP	CUP	—	P	
Lodging - Hotel or motel	P	—	P	P	P	
Lodging - Resort	—	—	—	—	P	
Mortuary	—	—	—	—	—	
Mortuary, accessory to cemetery	CUP	CUP	CUP	CUP	—	35.42.120
Music recording studio	CUP	CUP	CUP	—	CUP	
Personal services	P	—	—	—	P	
Repair service - Equipment, appliances, etc. - Indoor	<u>P(3)</u>	<u>P(3)</u>	—	—	<u>P(3)</u>	
Repair service - Equipment, appliances, etc. - Outdoor	<u>P(3)</u>	<u>P(3)</u>	—	—	—	
Repair service - Farm implements and equipment	<u>P(3)</u>	<u>P(3)</u>	—	—	—	
Vehicle services - Carwash, mechanical	MCUP	—	MCUP ⁽³⁴⁾	MCUP(3)	—	35.42.270
Vehicle services - Major repair, bodywork	<u>P(3)</u>	—	—	—	—	
Vehicle services - Minor maintenance/repair	<u>P(3)</u>	<u>P(3)</u>	P	P	P	
Vehicle services - With outdoor work areas	—	—	—	—	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Shall be conducted within a completely enclosed building except that within the C-3 and CS zones exterior material storage may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height.
- (34) Use not allowed on a lot abutting a residential zone; see [Section 35.42.270 \(Vehicle Services\)](#).

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Airport, public	CUP	CUP	CUP	—	—	
Airstrip, private and temporary	CUP	CUP	CUP	—	—	
Airstrip, temporary	—	—	—	CUP	—	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (65)	P	P	P	P	P	
Flood control project, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	—	
Parking facility, public or private	P	—	—	—	MCUP	
Pier, dock	—	—	—	—	—	
Pipeline - Oil and gas	P	P	P	—	P	35.5
Public utility facility	CUP	CUP	CUP	—	CUP	
Public works or private service facility	MCUP	MCUP	MCUP	—	MCUP	
Road, street, less than 20,000 sf total area (65)	P	P	P	P	P	
Road, street, 20,000 sf or more total area (65)	MCUP	MCUP	MCUP	MCUP	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	—	—	CUP	—	
Telecommunications facility	S	S	S	S	S	35.44
Transit station or terminal	P	—	P	P	—	
Utility service line with less than 5 connections (4)	—	—	—	P	P	
Utility service line with 5 or more connections (4)	—	—	—	MCUP	P	
Vehicle dispatch facility	MCUP	—	—	—	—	
Vehicle storage	—	—	—	—	—	
Wind turbines and wind energy systems	S	S	S	—	—	35.57

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- ~~(5) Not allowed in the VC overlay.~~
- ~~(65) Not applicable to facilities constructed by the County outside of the Coastal Zone.~~

Table 2-15 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-3	CS	CH	CH CZ	CM-LA	

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facilities	—	—	—	CUP	—	
Desalination facility, less than 15 connections	—	—	—	MCUP	—	
Desalination facility, 15 to less than 200 connections	—	—	—	CUP	—	
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P(3)	P(3)	P(3)	P	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	P(3)	P(3)	P(3)	MCUP	P	
Reservoir, less than 20,000 sf of total development	P	P	P	P	—	
Reservoir, 20,000 sf to less than 50,000 sf total development	P	P	P	MCUP	—	
Reservoir, 50,000 sf or more total development	MCUP	MCUP	MCUP	MCUP	—	
Wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	—	
Wastewater treatment system, individual	E	E	E	P	—	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	—	
Water diversion project	P	P	P	MCUP	—	
Water extraction, commercial	CUP	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station (4)	—	—	—	P	P	
Water system with 1 connection	E	E	E	P	—	
Water system with 2 to less than 5 connections	P	P	P	MCUP	—	
Water system with 5 or more connections (5)	MCUP	MCUP	MCUP	MCUP	—	
Water well, agricultural	—	—	E	P	—	

Key to Zone symbols

C-3	General Commercial	CH	Highway Commercial	CZ	Coastal Zone
C-S	Service Commercial	CM-LA	Community Mixed Use - Los Alamos		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Limited to wastewater pipelines; see [Article 35.5](#) for development standards.
- (4) ~~In the Inland area, such~~ Such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) ~~In the Coastal Zone, limited to less than 200 connections.~~

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the “Recreation, Education & Public Assembly Uses” section of Table 2-16, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

Table 2-16 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	C-V	C-V CZ	SC	PI	PI CZ	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground		CUP	—	—	CUP	
Commercial entertainment - Indoor	—	—	CUP	—	—	
Commercial entertainment - Outdoor	—	—	—	—	—	
Community center	—	—	—	P	P	
Conference center	P(3)	P	CUP	CUP	CUP	
Country club	P(3)	P	CUP	P	P	
Equestrian facility - Public or commercial	CUP	CUP	CUP	CUP	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	CUP	
Fitness/health club or facility	—	—	CUP	P	P	
Golf course	P	P	CUP	P	P	
Golf driving range	CUP	CUP	CUP	CUP	CUP	
Library	CUP	CUP	CUP	P	P	
Meeting facility, public or private	CUP	CUP	CUP	P	P	
Meeting facility, religious	CUP	CUP	CUP	CUP P	CUP	
Museum	CUP	CUP	CUP	P	P	
Park, playground	P	P	—	—	—	
Recreational vehicle (RV) park	CUP	CUP	—	—	—	
School	CUP	CUP	CUP	P	P	
School - Business, Professional, or Trade	CUP	CUP	CUP	P(4)	P(4)	
Sports and outdoor recreation facility	P	P	CUP	CUP	CUP	
Sports or entertainment assembly facility	—	—	—	—	—	
Studio - Art, dance, martial arts, music, etc.	—	—	—	P	P	
Theater - Indoor	—	—	—	—	—	
Theater - Outdoor	—	—	—	—	—	
Trail for hiking or riding	P	P	—	—	—	

Key to Zone Symbols

C-V	Visitor Serving Commercial	PI	Public and Institutional
SC	Shopping Center	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Destination-type facility required; see [Section 35.24.060 \(C-V Zone Additional Standards\)](#).
- (4) Not including trade schools using heavy equipment.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, CN zone standards, of Section 35.24.050, CN, C-1, C-2, C-3, CH, and PI Zones Additional Standards, of Chapter 35.24, Commercial Zones, to read as follows:

A. CN zone standards.

1. **Enclosure of activities required.** ~~Within the CN zone, the land~~ All retail uses types identified that supply commodities and service uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, except for service stations or and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened outdoor use and

such screening is specifically approved by the review authority.

2. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend of Section B, C-1 zone standards, of Section 35.24.050, CN, C-1, C-2, C-3, CH, and PI Zones Additional Standards, of Chapter 35.24, Commercial Zones, to read as follows:

B. C-1 zone standards.

1. Enclosure of activities required.

- a. **Retail and service uses.** All retail uses that supply commodities and service uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) for shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.
- b. **Storage and trash enclosures.** Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

2. **One-family dwellings.** A one-family dwelling may be established within the C-1 zone only on a lot with no commercial use. Where a one-family dwelling is allowed, any residential accessory use or structure shall comply with the requirements of Section 35.42.020 (Accessory Structures and Uses).

- ~~3. **Additional requirements for lots located within the Toro Canyon Plan area.** For lots located with the Toro Canyon Plan area, the allowable land uses of the C-1 zone listed in Table 2-14 (Allowable Land Uses and Permit Requirements for the Commercial Zones) are modified by this Subsection.~~

- ~~a. **Limitations on permitted uses.** All uses permitted in the C-1 zone by Table 2-14 (Allowable Land Use and Permit Requirements for the Commercial Zones) are allowed on lots zoned C-1 within the Toro Canyon area except as follows:~~

- ~~(1) A one family dwelling is not allowed where there is no commercial use;~~
- ~~(2) Residential structures and general practitioner's/professional offices are allowed only secondary to a primary commercial retail use.~~
 - ~~(a) Retail uses shall be located in the more prominent locations of buildings including first floors fronting on pedestrian pathways, and/or where ocean views are available.~~
 - ~~(b) Residential and professional office uses should be located on second floors, but if on the first floor, then not on the street facing part of the building.~~
 - ~~(c) Office uses shall be in less prominent locations than retail uses on the same site;~~
- ~~(3) Financial institutions are not allowed;~~
- ~~(4) Lodges shall only be allowed with a Conditional Use Permit, rather than as a permitted use;~~
- ~~(5) Seafood processing and video arcades shall be allowed only as secondary uses to a~~

~~primary use such as a restaurant and only when conducted entirely within an enclosed building.~~

~~b. **Additional permitted uses.** The following land uses are permitted in the C-1 zone within the Toro Canyon Plan area in addition to the uses permitted in the C-1 zone by Table 2-14 (Allowable Land Use and Permit Requirements for the Commercial Zones):~~

~~(1) Hotels and motels; and~~

~~(2) Mini-mart/convenience stores.~~

~~e. **Additional conditional uses.** In addition to the conditional uses allowed in the C-1 zone by Table 2-14 (Allowable Land Use and Permit Requirements for the Commercial Zones) overnight recreation vehicle facilities may be allowed with a Conditional Use Permit.~~

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend of Section C, C-2 zone standards, of Section 35.24.050, CN, C-1, C-2, C-3, CH, and PI Zones Additional Standards, of Chapter 35.24, Commercial Zones, to read as follows:

C. C-2 zone standards.

1. Enclosure of activities required.

a. Machinery service and repair uses. Auto and machinery repair and service activities allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for the Commercial Zones) shall occur within a completely enclosed building, or within an area enclosed by a solid wall, hedge, or fence a minimum of six feet in height, ~~and authorized by Design Review approval in compliance with Section 35.82.070 (Design Review) approved as to design by the Director.~~

b. Retail uses. All retail uses allowed by Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) shall occur within a completely enclosed building except for plant nurseries and service stations, and other uses that commonly include an outdoor component provided any use that occurs outside of a completely enclosed building is appropriately screened and such screening is specifically approved by the review authority.

2. Storage and trash enclosures. Areas for trash or outdoor storage shall be enclosed and screened to conceal all trash or stored material from public view.

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection F, PI zone standards, of Section 35.24.050, CN, C-1, C-2, C-3, CH, and PI Zones Additional Standards, of Chapter 35.24, Commercial Zones, to read as follows:

F. PI zone standards.

1. Limitations on use. No sales, production, repair, or processing shall take place on any property zoned PI, except to the extent necessary for and incidental to the operation of permitted or conditionally permitted uses.

~~**2. Limitations on floor area.** The cumulative development of the uses identified by Table 2-16~~

~~(Allowed Land Uses and Permit Requirements for the Commercial Zones) as being subject to this Subsection shall not exceed 20 percent of the total gross floor area on the lot.~~

- 3.2. Restaurant within office building.** A restaurant located in an office building may include bar or cocktail lounge accessory to a restaurant, but not a drive-through.

SECTION 10:

Article 35.2, Zones and Allowable Land Uses, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, is amended to amend Subsection D, Development Plan approval required, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to read as follows:

D. Development Plan approval required.

1. **M-RP, M-1, M-2 zones.** Within the M-RP, M-1, or M-2 zones, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading, ~~except within the M-1 and M-2 zones, for agricultural uses as permitted on an adjacent lot zoned agricultural or residential as provided in Subsection D.1.b, below.~~
 - a. Final Development Plan approval is required for a structure that is accessory to a permitted agricultural use, other than an agricultural reservoir, and that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
 - b. Certain allowed agricultural uses in the M-1 and M-2 zones.** Within the M-1 and M-2 zones, agricultural uses that are permitted on an adjacent lot zoned agricultural or residential do not require the approval of a Development Plan and may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).
2. **M-CR, ~~M-CD~~ zones.** Within the M-CR ~~and M-CD~~ zones, Final Development Plan approval is required for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the "Residential Uses" section of Table 2-22, Allowed Land Uses and Permit Requirements for the Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	—	—	—	—	—	
Dwelling, one-family	P	P (3)	P (3)	P (3)(4)	P (3)(4)	
Dwelling, two-family	P	—	P (4)	P (4)	P (4)	
Dwelling, multiple	P	—	P (4)	P (4)	P (4)	
Emergency shelter	P	—	—	—	—	
Guest house or artist studio	—	P	—	—	—	35.42.160
Home occupation	P	P	P (4)	P (4)	P (4)	35.42.190
Mobile home park	—	—	—	—	—	35.42.180
Monastery	CUP	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4)	P (4)	P (4)	35.42.020
Residential project convenience facility	P	—	P (4)	—	—	35.42.220
Residential second unit	—	CUP (5)	P (6)	P (4)(6)	P (4)(6)	35.42.230
Single room occupancy facility (SRO)	P	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

MU	Mixed Use	OT-R/LC	Old Town - Residential/Light Commercial
NTS	Naples Townsite	OT-R/GC	Old Town - Residential/General Commercial
OT-R	Old Town - Residential	CZ	Coastal Zone

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) A Zoning Clearance (Section 35.82.210) is required instead of a Land Use Permit for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Use not allowed if the OT designation is OT-LC or OT-GC, and not OT-R/LC or OT-G/LC.
- (5) Not allowed in addition to an artist studio.
- (6) Second unit restricted to lots where the primary use is a one-family dwelling.
- (7) Includes microbreweries that are accessory and secondary to a bar or restaurant.
- (8) Must be conducted within a completely enclosed building.

SECTION 12:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the “Residential Uses” section of Table 2-23 - Continued, Allowed Land Uses and Permit Requirements for the Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-23 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

RESIDENTIAL USES

Caretaker/manager dwelling	—	—	MCUP	MCUP	—	
Dwelling, one-family	—	—		—	—	
Dwelling, two-family	—	—		—	—	
Dwelling, multiple	—	—		—	—	
Emergency shelter	—	—		—	—	
Home occupation	—	—		—	—	
Mobile home park	—	—		—	—	
Monastery	CUP —	CUP —	CUP —	CUP	CUP	
Residential accessory use or structure	—	—		—	—	
Residential project convenience facility	—	—				
Residential second unit	—	—		—	—	
Single room occupancy facility (SRO)	—	—		—	—	
Special care home, 7 or more clients	MCUP —	MCUP —	MCUP —	MCUP	MCUP	35.42.090

Key to Zone symbols

PU	Public Works Facilities	TC	Transportation Corridor
REC	Recreation	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.26.030.C.
- (3) Uses allowed as a “P” in abutting zones and in compliance with any applicable specific use regulations.
- (4) Allowed only in an urban area designated by the Coastal Land Use Plan.

SECTION 13:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection C.5, Additional exceptions, of Section 35.30.150, Setback Requirements and Exceptions, of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

5. Additional exceptions.

a. Setback shown on Final Map or Parcel Map or Development Plan. Where a setback line is called for or shown on a Final Map or Parcel Map, or Final Development Plan, or other document approved along with the Final Map or Parcel Map, or Final Development Plan, the required setback shall be that shown on the Final Map, Parcel Map, or Final Development Plan or other document.

(1) If there is a conflict between a setback shown on a recorded document (e.g., Final Map) and a setback described in an unrecorded document, then the language of the recorded document shall prevail.

b. Setbacks on lot reduced through road widening. On any lot that has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, where the reduction was required by the County for road widening, the required setbacks shall be computed on the basis of the original dimensions of the lot as though the road widening had not occurred.

SECTION 14:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2 of Subsection B, Construction and design, of Section 35.36.080, Standards for All Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.

SECTION 15:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection K, Exterior parking, of Section 35.36.100, Standards for Residential Zones and Uses, of Chapter 35.36, Parking and Loading Standards, to read as follows:

K. Exterior parking. The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection K) of operative and inoperative motor vehicles and recreational vehicles outside of a fully enclosed or fully screened structure. A Land Use Permit in compliance with [Section 35.82.110 \(Land Use Permits\)](#) is not required to establish exterior parking except when 1) this Subsection 35.36.100.K 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 Land Use Permit in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#), or 3) the parking is not in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#). 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 Subsection 35.36.100.K 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. **Current registration or certificate of non-operation required.** All motor vehicles and recreational vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:
 - a. 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,
 - b. Have a current, unexpired certificate of non-operation or planned non-operation on file with the California Department of Motor Vehicles.
2. **Limitation on number.**
 - a. Not including the number of vehicles for which parking spaces are required to be provided in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#), the exterior parking of operative motor vehicles and recreational 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.
 - (1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (b) 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:

- (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
- (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
- (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.
- (d) A recreational vehicle shall not be parked within a front setback area.

b. Additional parking allowed. In addition to exterior parking allowed in compliance with Subsection K.2.a, above, the exterior parking of operative and inoperative motor vehicles and recreational 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.

- (1) 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.

- (2) 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.
 - (a) Structures or other devices used to comply with this requirement shall not include awnings, fabric shelters, tents, vehicle covers and similar structures or other devices of a nonpermanent type of construction.
- (3) 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.

3. Additional standards for inoperative motor vehicles and recreational vehicles. The parking of inoperative motor vehicles and recreational 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 K.1 and K.2, above:

- a. Vehicles shall not be parked on parking spaces required in compliance with [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#).
- b. Any area used for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- c. 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.
- d. The parking of inoperative motor vehicles regulated under Subsection 35.23.050.D (Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.

4. Modifications to standards allowed with a Minor Conditional Use Permit. Parking of motor vehicles and recreational vehicles that does not comply with the standards contained in Subsections K.1 through K.3, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

5. Noncompliance deemed a violation of this Development Code. ~~As of June 1, 2012, the~~ The parking of motor vehicles and recreational vehicles that does not comply with the standards

contained in Subsections K.1 through K.3, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) as allowed by Subsection K.4, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

SECTION 16:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 4.c, Swimming pools and spas in setback area, of Subsection B, Development standards, of Section 35.42.020, Accessory Structures and Uses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

c. Swimming pools and spas in setback area.

- (1) **Location outside of the EX-1 zone.** Swimming pools, spas, and appurtenant equipment shall not be located ~~in~~:
 - (a) **Lots other than interior lots.** In the required front or side setback areas and, if located within the rear setback, shall not be located closer than five feet to any property line.
 - (b) **Interior lots.** Closer than 10 feet to any property line.
- (2) **Location within the EX-1 zone.** Swimming pools, spas, and appurtenant equipment ~~may shall~~ not be located ~~within a in~~:
 - (a) **Lots other than interior lots.** In the required front, side or rear setback areas; however, the required setbacks may be decreased by 15 feet for the purpose of locating a swimming pool, spa, and appurtenant equipment ~~within this area.~~
 - (b) **Interior lots.** Closer than 10 feet to any property line.

SECTION 17:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection f. of Subsection G.13., Storage of trailers as accessory to a residential use, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- f. ~~Within the Coastal Zone, the storage of a trailer does not require a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) if the trailer will:~~
 - (1) ~~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~~
 - (2) ~~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~~
 - (3) ~~Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas and public roadways.~~

Any recreational vehicle that is parked outside of a fully enclosed or fully screened structure shall be in compliance with Subsection K, Exterior parking, of Section 35.36.100, Standards for Residential Zones and Uses.

SECTION 18:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and

Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 8-1 (Review Authority), of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.70, Permit Application Filing and Processing, to read as follows:

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Coastal Development Permits (without hearing) (3)	Decision		Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal	Appeal
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (4-3) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits (§ 4)	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150 (Overall Sign Plans)			
Reclamation and Surface Mining Permits (5)			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision (6)	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 35.102 (Appeals).
- (2) The decision of the Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Commission files its recommendation with the Board.
- (3) ~~This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.82.050.D.2.~~
- (4) The Board of Architectural Review with jurisdiction in compliance with County Code Chapter 2 shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review is appealable to the Commission; the decision of the Commission is appealable to the Board.
- (5) The Zoning Administrator is the review authority for Land Use Permits approved in compliance with Section 35.42.190 (Home Occupations) and Section 35.82.110 (Land Use Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate a interim management plan that is required due to a surface mining operation becoming idle.
- (6) Within the SC (Shopping Center) zone the Director is the review authority for applications for Use Determinations that comply with Section 35.20.030.A.3(b). The decision of the Director may be appealed to the Planning Commission and Board of Supervisors in compliance with Chapter 35.102 (Appeals).

SECTION 19:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G.3, Time limits and extensions, of Section 35.82.060, Conditional Use Permits and Minor Conditional Use Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

3. Time limits and extensions.

- 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 ~~Coastal Development Permit~~ or Land Use Permit or Zoning Clearance 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.
 - (3) The review authority responsible for reviewing and making a decision on the application for the Conditional Use Permit in compliance with Table 8-1 (Review Authority) and Subsection 35.80.020.B (Applications subject to more than one review authority) may extend the time limit in compliance with Section 35.84.030 (Time Extensions).
 - (4) If the required time limit in which to obtain the required ~~Coastal Development Permit~~ or Land Use Permit or Zoning Clearance has expired and an application for an extension has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- 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 Land Use Permit or Zoning Clearance 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 Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).
 - (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance 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 or Zoning Clearance 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 an of no further effect in compliance with Subsection 3.b.(3)(a), above.

- (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Conditional Use Permit.
- (a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).

SECTION 20:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G, Time limits and extensions, of Section 35.82.080, Development Plans, of Chapter 35.82, Permit Review and Decisions, to read as follows:

G. Time limits and extensions.

1. **Preliminary Development Plans.** Preliminary Development Plans shall expire two years after approval unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).
2. **Final Development Plans.**
 - (a) **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.
 - (1) **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 Section 35.84.030 (Time Extensions).
 - (2) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection G.2(a)(1) (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 Section 35.84.030 (Time Extensions).
 - (b) **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 or Zoning Clearance 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 Final Development Plan in compliance with Subsection C. (Substantial Conformity Determinations), Subsection D. (Amendments) or Subsection E. (Revisions) of Section 35.84.040 (Changes to an Approved Project).
 - (2) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance 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.
 - (3) If the required time limit(s) in which to obtain the required Land Use Permit or Zoning Clearance 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 no further effect in compliance with Subsection 2.(b)(3)(i), above.
- (4) The time limit(s) specified in the phasing plan shall require that all required Land Use Permits and Zoning Clearances shall be issued within 10 years of the effective date of the Final Development Plan.
- (a) This 10 year period may be extended by the Commission provided an application for a Time Extension is submitted in compliance with Section 35.84.030 (Time Extensions).

SECTION 21:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection L, Interim management plan requirements, of Section 35.82.160, Reclamation and Surface Mining Permits, of Chapter 35.82, Permit Review and Decisions, to read as follows:

L. Interim management plan requirements.

1. **Timing, content, processing.** Within 90 days of a surface mining operation becoming idle, the operator shall file an interim management plan with the Department. (SMARA, Section 2770(h))
 - a. The interim management plan shall comply with all applicable requirements of SMARA, Section 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including all conditions of the Conditional Use Permit or Minor Conditional Use Permit and/or Reclamation Plan.
 - b. The interim management plan shall be processed as an amendment to the Reclamation Plan and shall not be considered a project for the purposes of environmental review in compliance with the California Environmental Quality Act. ((SMARA, Section 2770(h))
 - c. The idle mine shall comply with the financial assurance requirements for reclamation specified in SMARA, Section 2773.1.
2. **~~Review authority~~ Director review and decision.** ~~The Commission~~ Director shall be the review authority for an amendment to the Reclamation Plan required to incorporate an interim management plan associated with mining operation ~~other than Agricultural Soil Export Mining and the Zoning Administrator shall be the review authority for an interim management plan associated with including an Agricultural Soil Export Mining operation.~~
 - a. Within 60 days of receipt of the interim management plan, or longer period mutually agreed upon by the Department and the operator, the ~~review authority~~ Director shall review, and approve or deny the plan in compliance with Subsection G. (Processing), ~~above, except that a public hearing is not required.~~
 - (1) The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Department, to submit a revised plan.
 - (2) The ~~review authority~~ Director shall approve or deny the revised interim management plan within 60 days of receipt of the plan.
 - (3) An action of the ~~review authority~~ Director to deny the revised interim management plan

~~may be appealed~~ is final subject to appeal in compliance with Chapter 35.102 (Appeals).

3. **Time limit, extension.** The interim management plan shall remain in effect for a ~~maximum of period not to exceed~~ five years, at which time the ~~review authority~~ Director may renew shall do one of the following:
- a. Renew the interim management plan for one an additional five-year period, or require not to exceed five years, which may be renewed for additional five-year periods at the expiration of each five year period, if the Director finds that the surface mining operator has complied fully with the interim management plan.
 - b. Require the surface mine mining operator to commence reclamation in compliance with the approved Reclamation Plan. (SMARA Section 2770(h)(2))
 - c. An action of the Director to either renew the interim management plan or require the commencement of reclamation is final subject to appeal in compliance with Chapter 35.102 (Appeals).

SECTION 22:

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

35.84.030 - Time Extensions

- A. Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Development Code.
- B. Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Chapter 35.80 (Permit Application Filing and Processing).
- D. Processing.**
- 1. ~~Coastal Development Permit.~~
 - a. ~~Approved Coastal Development Permits for appealable development.~~
 - (1) ~~Coastal Development Permit approved by the Director.~~ The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director ~~one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.~~
 - (a) ~~After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
 - (b) ~~A public hearing shall not be required if the Director is the review authority for the application for the time extension.~~
 - (c) ~~The Director may approve, conditionally approve or deny the request.~~
 - (d) ~~The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~
 - (2) ~~Coastal Development Permit approved by the Commission.~~ The Commission may extend the approval of a Coastal Development Permit for appealable development approved by the

~~Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.~~

~~(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~

~~(b) The Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.~~

~~(c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~

~~(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~(3) Coastal Development Permit approved by the Zoning Administrator. The Zoning Administrator may extend the approval of a Coastal Development Permit for appealable development approved by the Zoning Administrator one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.~~

~~(a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~

~~(b) The Zoning Administrator shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.8., below, and approve, conditionally approve or deny the request.~~

~~(c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).~~

~~(d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).~~

~~b. Issued Coastal Development Permits for appealable and non appealable development. The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.102.050.E (Findings required for approval) can still be made.~~

2-1. Conditional Use Permits and Minor Conditional Use Permits.

a. Extension of permit approval. The review authority that approved responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the approval of a Conditional Use Permit or Minor Conditional Use Permit the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Section 35.82.060.G.3 (Time limits and extensions) one time for good cause shown in compliance with the following:

(1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

(2) Notice of the application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).

~~(2-3)~~ The review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.87 (Waiver of public hearing) below, and approve, conditionally approve, or deny the request.

~~(3-4)~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

- (4-5) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (5-6) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.

b. Discontinuance of use. The review authority may extend the time limit ~~for~~ that a Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Section 35.82.060.G.4 (Conditional Use Permit void) one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Notice of the application shall be given in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (1-3) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
- (2-4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (3-5) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

3-2. Development Plans (Preliminary and Final).

a. Extension of permit approval. The review authority ~~that approved~~ responsible for reviewing and making a decision on the Development Plan in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the ~~approval of expiration of the approved or conditionally approved~~ Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.87, below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.

b. Expiration. A Development Plan shall expire 12 months from the effective date of the extension ~~was granted~~ or two years from the expiration date of the initial effective date of

approval of the Development Plan, whichever occurs first.

4-3. Land Use Permits. The Director may extend the ~~time limit expiration~~ of an approved or conditionally approved, and an issued, Land Use Permit one time for 12 additional months for good cause shown ~~only if the Director first finds that the applicable findings for approval required in compliance with Section 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.~~ in compliance with the following:

- a. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).
- b. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

5-4. Modifications. The Director may extend the approval of a Modification one time for 12 additional months for good cause shown: in compliance with the following:

- a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- b. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).
- c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35.82.130.E (Findings required for approval) that were made in conjunction with the initial approval of the Modification can still be made.

6-5. Oil Drilling and Production Plan (Inland area).

a. **Extension of permit approval.** The review authority ~~that approved~~ responsible for reviewing and making a decision on the Oil Drilling and Production Plan in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing) may extend the ~~approval of expiration of the approved or conditionally approved~~ Oil Drilling and Production Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.87, below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).

- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.54.040, (Onshore Oil and Gas Production of Onshore Oil and Gas Reservoirs - Findings for Production Plans) that were made in conjunction with the initial approval of the Oil Drilling and Production Plan can still be made.
- b. Expiration.** An Oil Drilling and Production Plan shall expire 12 months from the effective date the extension was granted or two years from the expiration date of the initial effective date of approval of the Oil Drilling and Production Plan, whichever occurs first.

7-6. Zoning Clearances. The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown provided in compliance with the following:

- (a) ~~That the~~ An application for a time extension request is shall be filed with the Department at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
- (b-c) ~~That the determination required in compliance with Subsection 35.82.210.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made~~ Prior to an action by the Director to approve or conditionally approve the application, the Director shall first determine that that the requirements for the issuance of a Zoning Clearance required in compliance with Subsection 35.82.210.D.1 (Review for compliance) are still met.
- (d) The action of the Director is final and is not subject to appeal.

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

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection ~~35.84.030.D.7.a.~~ D.7.a. above is mailed.
- c. If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application.
- d. A listing of ~~pending~~ Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Commission's hearing agenda following the mailing of the notice of the review authority that would otherwise have jurisdiction over the Time Extension.

9-8. Time extensions due to economic hardship. In addition to the Time Extensions provided in Subsection D.1 through Subsection D.76, above, the Director for good cause may extend the expiration of a planning permit for additional 24 month periods in compliance with the following:

- a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.

- b. The application for the Time Extension is filed with the Department in compliance with the following:
 - (1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).
 - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
- c. Notice of the application shall be given in compliance with Section 35.106.075 (Time Extensions Under the Jurisdiction of the Director).
- d. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the Time Extension is requested can still be made.
- ~~e.~~ The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

This Subsection D.98 shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

- E. **Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 23:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, Structural change, expansion, or extension, of Section 35.101.030, Nonconforming Structures, of Chapter 35.102, Nonconforming Uses, Structures, and Lots, to read as follows:

A. Structural change, expansion, or extension.

1. Enlargements or extensions allowed in limited circumstances.

- a. Except as listed in Subsection A.1.b (Allowed structural alterations), below or otherwise provided in this Development Code, a nonconforming structure ~~may~~ shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
- b. Allowed structural alterations.
 - a. **(1) Seismic retrofits allowed.** Seismic retrofits as defined in Article 35.11 (Glossary) and in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **(2) Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.
 - c. **(3) Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks

Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

(4) Conforming residential uses and residential accessory uses. A nonconforming structure that is devoted to a conforming residential use or that is normally or historically accessory to the primary residential use may be structurally altered in a manner that is not otherwise allowed in compliance with Subsection A.1.a, above, provided that the alteration does not result in a structure that extends beyond the existing exterior, and, for structures that are 50 years old or greater, the Director determines that the alteration will not result in a detrimental effect on any potential historical significance of the structure.

c. Permit required. The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) is required prior to the commencement of any structural alteration allowed in compliance with Subsections A.1.a or A.1.b, above, unless the alteration is determined to be exempt in compliance with Section 35.020.040 (Exemption from Planning Permit Requirements).

2. Accessory living quarters. No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

3. Loss of nonconforming status.

a. A nonconforming structure that is enlarged, extended, moved, reconstructed, or structurally altered in violation of Subsection A.1, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Development Code.

b. If the rights to continue the nonconforming structure are terminated then the structure shall either be demolished or altered so that the structure may be considered a conforming structure. Failure by the owner to either demolish the structure or alter the structure so that it may be considered a conforming structure shall be considered a violation of this Article and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

SECTION 24:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Chapter 35.104, Amendments, to read as follows:

35.104.010 - Purpose and Intent

~~The purpose of this Chapter is to provide procedures for changing the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development, to provide for text Amendments to this Development Code as the County may deem reasonable, necessary, or desirable and to provide for Amendments to any ordinances, resolutions, or implementation programs carrying out the provisions of the Local Coastal Program. The intent of this Chapter is to provide the mechanism consistent with Government Code Section 65000 *et seq.* for amending this Development Code and the certified Local Coastal Program.~~

The purpose and intent of this Chapter is to provide procedures consistent with Government Code Section 65000 *et seq.* for:

A. Amending the text and/or maps of the Comprehensive Plan.

B. Amending the text of this Development Code as the County may deem reasonable, necessary, or desirable.

- C. Amending the zoning designation on properties where the change is warranted by consideration of location, surrounding development, and timing of development.

35.104.020 - Applicability

- A. Comprehensive Plan. An amendment to the Comprehensive Plan may include revisions to the text and/or maps of the Comprehensive Plan.
- B. Development Code. A ~~Development Code~~ An amendment to this Development Code may modify or add a new standard, requirement, allowed use, or procedure applicable to land use or development that is located outside within the County Montecito Community Plan area and the Coastal Zone.
- ~~B. Local Coastal Program.~~ A ~~Local Coastal Program Amendment~~ may include revisions to text or maps.
- C. Zoning Map. An ~~Amendment to the County Zoning Map Amendment~~ not including those portions that lie within the Montecito Community Plan area or within the Coastal Zone has the effect of rezoning property from one zone to another, including the addition or deletion of overlay zones.
- D. Compliance with Chapter. All applications for Amendments shall be initiated, filed, processed, considered, and acted upon in full compliance with this Chapter.

35.104.030 - Initiation of Amendments

An Amendment may only be initiated in the following manner:

- A. **Board.** By the Board, which may include the approval of a resolution of intention by the Board;
- B. **Commission.** By the Commission, which may include the approval of a resolution of intention by the Commission;
- C. **Director.** By the Director; or
- D. **Applicant.** By an application by an authorized applicant as follows:
1. ~~Local Coastal Program Comprehensive Plan Amendment.~~ Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment An application to amend the text and/or maps of the Comprehensive Plan may be made by any person with a substantial interest in the proposed Amendment.
 2. **Development Code Amendment.**
 - a. ~~Coastal Zone.~~ An application to amend the text of the Development Code in a manner which will affect land within the Coastal Zone may be made by one or more persons owning property representing at least 50 percent of the assessed valuation of the property which will be affected by the Amendment.
 - b. ~~Inland area.~~ An application to amend the text of the Development Code ~~in a manner which will not have any affect on land within the Coastal Zone~~ may be made by any person with a substantial interest in the proposed Amendment.
 3. **Zoning Map Amendment.** Application by one or more persons owning property representing at least 50 percent of the assessed valuation of the property for which the zone classification change is sought.

35.104.040 - Processing of Amendments

- A. **Application shall ensure consistency.** Any application filed in compliance with this Chapter that is inconsistent with the use and/or density requirements of this Development Code, the County Zoning Map or the ~~adopted~~ Comprehensive Plan ~~or Local Coastal Program, as applicable~~, shall be accompanied by an application to make the project consistent.
- B. ~~Department may refuse to accept inconsistent applications.~~ ~~The Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan or Local Coastal Program, as applicable.~~
- C. **Contents of application.** If initiated by a person other than the Board, Commission, or Director, an

Amendment application shall be filed ~~and processed~~ in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).

- D. 1. Application shall include a Preliminary Development Plan.** Unless the Commission expressly waives the requirement, an application for a Zoning Map Amendment to rezone property to any of the zones listed below shall require the submittal of an application for either a Final or a Preliminary Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) and [Section 35.104.0980 \(Rezoning Requirements for Specific Zones\)](#) below.

~~ARC overlay (Agriculture Residential Cluster)~~

~~HWMF overlay (Hazardous Waste Management Facility)~~

- a. DR (Design Residential).
- b. MHP (Mobile Home Planned Development).
- c. MHS (Mobile Home Subdivision).
- d. PRD (Planned Residential Development).
- e. SLP (Small-lot Planned Development).
- f. C-V (Resort/visitor Serving Commercial).
- g. SC (Shopping Center).
- h. OT-R (Old Town Residential).
- i. PI (Professional and Institutional).
- j. M-RP (Industrial Research Park).
- k. M-1 (Light Industry).
- l. M-2 (General Industry).
- m. MU (Mixed Use).
- n. PU (Public Works Utilities).
- o. REC (Recreation).
- p. HWMF (Hazardous Waste Management Facility) overlay.

~~E. Environmental Review required.~~ The Department shall process the application in compliance with the California Environmental Quality Act.

C. Processing.

1. Application acceptance.

- a. **Director review.** After receipt of an application the Director shall review the application and determine whether to accept the application for processing or to refer the application to the Commission to determine whether to accept the application for processing.

- (1) The Director may refer any application to the Commission that the Director determines to be:
- (a) Inconsistent with the Comprehensive Plan and the inconsistency would not be resolved by approval of the amendment, or
 - (b) Inconsistent with this Development Code and the inconsistency would not be resolved by approval of the amendment, or
 - (c) Inconsistent with a recent Comprehensive Plan or Community Plan update, or
 - (d) Precedent setting in nature, or
 - (e) In conflict with any recent action by the Board, or

- (f) Likely to generate or has generated substantial public controversy, or
- (g) If the application involves an amendment to the Comprehensive Plan, that the application is not in the public interest as required by Government Code Section 65358(a).

- (2) The action of the Director to refer an application to the Commission is final and not subject to appeal.
- (3) If the Director refers the application to the Commission, then the Director shall provide a recommendation to the Commission as to whether the application should be accepted for processing.

b. Commission review. Upon referral by the Director, the Commission shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. If the Commission declines to accept the application for processing, then the Commission shall refer the application to the Board for a final decision regarding whether to accept the application for processing.

- (1) The action of the Commission to refer an application to the Board is final and not subject to appeal.
- (2) If the Commission refers the application to the Board, then the Commission shall provide a recommendation to the Board as to whether the application should be accepted for processing.

c. Board review. Upon referral by the Commission, the Board shall hold at least one noticed public hearing on the application and may accept, or decline to accept, the application for processing. The decision of the Board is final.

- 2. Following acceptance of the application for processing, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- 3. The Director may refer the application to the Subdivision/Development Review Committee and/or the Board of Architectural Review for review and recommendations to the Commission.
- 4. In compliance with Government Code Section 65351, during the review of a Comprehensive Plan Amendment, the Department shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the Department deems appropriate.
- 5. The Department shall also refer a proposed Comprehensive Plan Amendment to other agencies in compliance with Government Code Section 65352.
- 6. **Native American consultation required.** Prior to the adoption of any Comprehensive Plan Amendment the Department, in compliance with Government Code Sections 65352.3 and 65352.4, shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 that are located within the County's jurisdiction.

FD. **Sites with valid Conditional Use Permit.** If there is a valid and operational Conditional Use Permit associated with a proposed amendment to the text of the Development Code and/or the County Zoning Map Amendment site and under the revised text or new zone the conditionally permitted use would become an permitted use, the Conditional Use Permit including the conditions of approval shall remain valid and in force, unless altered or deleted in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#).

35.104.050 - Action on Amendments

A. ~~Commission's recommendation~~ Comprehensive Plan Amendments.

1. ~~Public hearing required~~ Commission hearing and action.

a. The Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and [Government Code Sections 65090 and 65091](#), as applicable.

2. ~~b. Commission's recommendation for all Amendments.~~ At the conclusion of the hearing the Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Commission carried by the affirmative ~~votes of a majority of its total voting members~~ vote of not less than a majority of the total membership of the Commission.

3. ~~Commission's recommendation for denial of Zoning Map Amendment.~~ If the Commission recommends denial of a Zoning Map Amendment, the Board shall not be required to hold a public hearing or take any further action on the matter unless within 10 days after the Commission decision, the applicant or any other interested person files a written request for the hearing with the Clerk of the Board.

4. ~~Recommendation shall include reasons with findings.~~ The Commission's recommendation shall include the reasons for the recommendation in compliance with the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) below.

c. The Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Commission first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.

d. In compliance with Government Code Section 65354.5, any interested party may file a written request for a hearing on the Amendment by the Board with the Clerk of the Board within the five days following the Commission adopting its recommendation. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and [Government Code Section 65090](#).

B. ~~2.~~ Board hearing required and action.

1. ~~a.~~ Following the receipt of the Commission's recommendation for approval or where a hearing has been requested in compliance with Subsection A.3 (Commission's recommendation for denial of Zoning Map Amendment) A.1.d, above, the Board shall hold at least one noticed public hearing on the proposed Amendment.

2. ~~b.~~ Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and [Government Code Section 65090](#).

C. ~~Board's action on the proposed Amendment.~~

1. ~~c.~~ The Board may approve, modify, or deny the recommendation of the Commission ~~in compliance with the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) below.~~

(1) The Board shall adopt an Amendment by resolution which shall be adopted by the affirmative vote of not less than a majority of the total membership of the Board.

2. ~~(2)~~ Any substantial modification of the proposed Amendment by the Board not previously considered by the Commission during its hearing shall first be referred back to the Commission for report and recommendation.

- ~~3.~~ (a) The Commission shall not be required to hold a public hearing on the referral.
4. (b) ~~Failure of the Commission to report to the Board within 40 days after the initial referral, or a longer period designated by the Board, shall be deemed to be approval of the proposed modification~~ The failure of the Commission to report within the 45 calendar days following the referral, or within the time set by the Board, shall be deemed a recommendation for approval.
- d. The Board shall adopt a resolution approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#), below.

B. Development Code and Zoning Map Amendments.

1. Commission hearing and action.

- a. The Commission shall hold at least one noticed public hearing on the proposed Amendment. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Sections 65090 and 65091, as applicable.
- b. At the conclusion of the hearing the Commission shall recommend approval, conditional approval or denial of the proposed Amendment. The Commission's recommendation shall be adopted and transmitted to the Board by resolution of the Commission carried by the affirmative vote of not less than a majority of its total voting members.
- c. The Commission shall adopt a resolution recommending approval or conditional approval of the Amendment only if the Commission first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#), below, and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#), below, as applicable.
- d. In compliance with Government Code Section 65855 the Commission's recommendation shall include the reasons for the recommendation, and the relationship of the proposed Amendment to the Comprehensive Plan and applicable Specific Plans.

2. Board hearing and action.

- a. Following the receipt of the Commission's recommendation:
 - (1) **Development Code Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment.
 - (2) **Zoning Map Amendments.** The Board shall hold at least one noticed public hearing on the proposed Amendment except that if the Commission recommends denial of the Zoning Map Amendment then the Board shall not be required to hold a public hearing or take any further action on the matter unless:
 - (1) An aggrieved party appeals the action of the Commission in compliance with [Chapter 35.102 \(Appeals\)](#), or
 - (2) An interested party requests a hearing by filing a written request with the Clerk of the Board within the five calendar days after the Commission files its recommendation with the Board.
- b. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) and Government Code Section 65090.
- c. The Board may approve, modify or deny the recommendation of the Commission.
 - (1) The Board shall adopt a Development Code or Zoning Map Amendment by ordinance which shall be adopted by the affirmative vote of not less than a majority of its total voting members.

(2) Any substantial modification of the proposed Amendment by the Board not previously considered by the Commission during its hearing shall first be referred to the Commission for report and recommendation.

(a) The Commission shall not be required to hold a public hearing on the referral.

(b) The failure of the Commission to report within the 40 calendar days after the referral, or within the time set by the Board, shall be deemed a recommendation for approval.

d. The Board shall adopt a ordinance approving or conditionally approving the Amendment only if the Board first makes all of the findings identified in [Section 35.104.060 \(Findings Required for Approval of Amendments\)](#) and [Section 35.104.080 \(Rezoning Requirements for Specific Zones\)](#) as applicable.

D-C. Compliance with Measure A96 required.

1. **Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code, ~~Local Coastal Program~~, or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with [Section 35.51.020 \(Voter Approval Required\)](#).
2. **Measure A96 to terminate in 2021.** This voter approval requirement was added to this Development Code in compliance with the Measure A96 voter approval initiative, passed by the voters of the County on March 26, 1996, is in effect for 25 years, terminating in 2021.

35.104.060 - Findings Required for Approval of Amendments

An application for an Amendment to the [Comprehensive Plan](#), Development Code, ~~Local Coastal Program~~, or Zoning Map may be approved only if the review authority first makes all of the following findings ~~are made~~, as applicable to the type of Amendment.

A. Findings for [Comprehensive Plan](#), Development Code, ~~Local Coastal Program~~ and Zoning Map Amendments.

1. The request is in the interests of the general community welfare.
2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. ~~If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.~~
3. The request is consistent with good zoning and planning practices.

B. Additional finding for Comprehensive Plan Amendments.

1. If the request is for an amendment to the Comprehensive Plan, then the review authority shall also find that the request is deemed to be in the public interest.

35.104.070 - Effective Dates

A. Comprehensive Plan, Development Code or Zoning Map. A Comprehensive Plan, Development Code or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance or resolution, as applicable, by the Board.

~~**B. Local Coastal Program.** An Amendment to the certified Local Coastal Program shall become effective in compliance with [Section 35.104.080 \(Certification of Local Coastal Program Amendments\)](#), below.~~

35.104.080 - ~~Certification of Local Coastal Program Amendments~~

~~**A. Compliance with Coastal Act required.** Any approval by the County of a proposed Amendment to the County's certified Local Coastal Program shall be submitted to the Coastal Commission as soon as~~

~~practicable after final approval by the Board in compliance with Sections 30512 and 30513 of the Coastal Act, as it may be amended from time to time.~~

~~**B. Certification by Coastal Commission required.** Any proposed Amendment to the certified Local Coastal Program shall not take effect until the amendment has been certified by the Coastal Commission.~~

35.104.090- Rezoning Requirements for Specific Zones

The approval of a rezoning to apply one of the zones listed in this Section shall require compliance with the requirements of this Section applicable to the specific zone.

A. AH overlay zone

- 1. Limitation on rezones.** The AH overlay zone may be applied to property only in conjunction with the preparation and adoption of a Community Plan or together with a County initiated Amendment to the Comprehensive Plan.
- 2. Designation of allowed number of units.** The approval of a rezoning to the AH overlay zone shall include designation of the maximum density allowed on the site by the overlay.
- 3. Findings required for rezoning.** The approval of a rezoning to apply the AH overlay zone to property shall require that the Commission and Board first make all of the following findings in addition to those required in compliance with [Section 35.104.060 \(Findings Required for Approval of Amendment\)](#) above:
 - a. ~~In the Inland area, the~~ The site is located within an Urban area as designated on the Comprehensive Plan maps. ~~In the Coastal Zone, the site is subject to the Affordable Housing Land Use Designation overlay or such designation is currently being processed.~~
 - b. The site has a residential land use designation or would be appropriate for residential use if a Comprehensive Plan Amendment is being concurrently processed (e.g., underutilized commercial land surrounded by residential land or other compatible land use).
 - c. The site has a primary zone that allows residential uses and requires a Development Plan for the use. This may also be achieved through a rezone.
 - d. The site is served by a municipal sanitary district.
 - e. The site is of adequate size and shape to allow the reasonable development of housing.
 - f. The site is near major travel corridors or services.
 - g. The site is within reasonable walking distance to transit lines, employment centers, schools, and commercial areas.
 - h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., airport noise and safety zones, archaeological resources, sensitive habitat areas, steep slopes and other geologic hazards, streams and creeks).
 - i. Residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Comprehensive Plan.

B. DR, MHP, OT-R, C-V, SC, PI, M-RP, M-1, M-2, MU, and PU zones. An application for a rezoning to the DR, MHP, OT-R, C-V, SC, PI, M-RP, M-1, M-2, MU, and PU zones ~~and the ARC overlay zone~~ shall include a Preliminary Development Plan or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

C. HWMF overlay zone. An application for a rezoning to the HWMF overlay zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) which shall include all of the site area, unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan shall be incorporated into the rezoning ordinance.

1. Findings required for rezoning. The approval of a rezoning to apply the HWMF overlay zone to property shall require that the Commission and Board first make all of the following findings:

- a. There is a need for the off-site treatment, storage, or disposal hazardous waste management facility as determined in compliance with Policy 2-1 of the County's Hazardous Waste Element.
- b. The proposed facility is consistent with the siting criteria for off-site hazardous waste management facilities identified in the Hazardous Waste Element and the development standards identified in [Section 35.28.140 \(Hazardous Waste Management Facility \(HWMF\) Overlay Zone\)](#).
- c. A risk assessment has been prepared for the Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
- d. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.
- e. The project will not create a financial burden for the County.
- f. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure, and post-closure of the subject facility.

D. NTS zone. An application for a rezoning to the NTS zone shall include a Final Development Plan in compliance with Section 35.82.080 (Development Plans). An application to rezone to the NTS zone shall not be approved without concurrent approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) and the requirements of this Subsection D.

- 1. Applicability.** This zone shall only be applied at the time application is made and lawfully considered to amend the Comprehensive Plan ~~or Coastal Land Use Plan Map~~ for purposes of applying the NTS land use designation. In no event may the ~~designation extend beyond~~ NTS zone be applied to land located outside of the boundaries of the Official Map of Naples or ~~parcels~~ lots that are contiguous to the boundaries of the Official Map which are owned by parties holding fee title to one or more of the Official Map lots, provided further that any such ~~designation~~ rezoning must be consistent with the intent of Coastal Land Use Plan Policy 2-13, and the agriculture and resource protection policies of the Comprehensive Plan including the Coastal Land Use Plan.
- 2. Timing.** A rezone in compliance with the Subsection to apply the NTS zone may occur when the owner of property within the Official Map requests reevaluation of the existing land use designation and zoning district in compliance with Coastal Land Use Policy 2-13.
- 3. Application requirements.** An application for a rezoning to the NTS zone shall, at a minimum, contain the following:
 - a. Feasibility study.** Consistent with ~~Local~~ Coastal Land Use Plan Policy 2-13 for land use designation on lots depicted on the Official Map, an application for a rezoning to the NTS zone for lots located within the Official Map shall require the preparation of a feasibility study for transfer of development rights before or concurrently with the processing of a rezone application to apply the NTS zone.
 - (1) Following the completion of a feasibility study for transfer of development rights for any or all of the lots comprising the Official Map, the requirements of Subsection D.3.a. may be satisfied by preparing a new feasibility study, updating previous studies or otherwise demonstrating the continued adequacy of previous studies.
 - b. Development Plan application.** An application for a rezoning to the NTS zone shall include a Preliminary or Final Development Plan in compliance with Section 35.82.080 (Development Plans) including all of the site area proposed for rezoning.
 - c. Open Space and Habitat Management Plan.** A preliminary Open Space and Habitat

Management Plan in compliance with Subsection 35.26.060 shall be submitted in conjunction with an application to rezone to the Naples Town Site zone.

4. **Concurrent approval.** An application for a rezoning to the NTS zone shall not be approved without concurrent approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans).
- E. **PRD zone.** An application for a rezoning to the PRD zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#), unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
1. **Minimum site area.**
 - ~~a. **Coastal Zone.** Within the Coastal Zone, a site shall be a minimum of 20 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.~~
 - ~~b. **Inland area.** Within the Inland area, a A site shall be a minimum of 10 acres to be rezoned to the PRD zone, all of which shall be included in the Preliminary or Final Development Plan.~~
 2. **Findings required for rezoning.** The approval of a rezoning to apply the PRD zone to property shall require that the Commission and Board first make all of the following findings:
 - a. That the property is of the type and character which is appropriate for a ~~Planned Residential Development~~ in compliance with the specific purpose and intent stated within Subsection [35.23.020.G \(Planned Residential Development\)](#).
 - b. That the property is within an Urban area as designated on the Comprehensive Plan maps.
 - c. That the overall estimated population density which will result upon full development of the property under the ~~Planned Residential Development~~ zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.
 - d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.
- F. **SLP zone.** An application for a rezoning to the SLP zone shall include a Preliminary Development Plan or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) unless the Commission expressly waives the requirement. Upon approval by the Board of the rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.
1. **Minimum site area.** Rezoning to apply the SLP zone shall require that the site shall be a minimum of one acre provided that this minimum land area is adequate to meet the requirements of the SLP zone.
 2. **Findings required for rezoning.** The approval of a rezoning to apply the SLP zone to property shall require that the Commission and Board first make all of the following findings:
 - a. That the proposed SLP development provides affordable housing opportunities, consistent with the stated purpose and intent of the SLP district.
 - b. That the SLP is located within an Urban Area, as designated in the Comprehensive Plan, and within reasonable access to employment opportunities, public transportation, commercial centers, and schools.
- G. **REC zone.** An application for a rezoning to the REC zone shall include a Preliminary or Final Development Plan in compliance with [Section 35.82.080 \(Development Plans\)](#) which shall include all of the site area unless the Commission expressly waives the requirement. Upon approval by the Board of the

rezoning and Preliminary or Final Development Plan, the Preliminary or Final Development Plan may be incorporated into the rezoning ordinance.

1. **Minimum site area.** ~~Rezoning to apply the REC zone shall require that the A site shall be a minimum of one acre to be rezoned to the REC zone, all of which shall be included in the Preliminary or Final Development Plan.~~
2. **Findings required for rezoning.** Except for existing public or private outdoor recreation areas as designated on the Comprehensive Plan maps, the approval of a rezoning to apply the REC zone to property shall require that the Commission and Board first make all of the following findings:
 - a. The level of facility development will be in conformance with the environmental carrying capacity of the area to be rezoned, (i.e., the proposed recreational activities are of the kind, intensity, and location to ensure protection of environmentally sensitive habitat resources).
 - b. The proposal will conform with all applicable policies of the Comprehensive Plan, including the Parks, Recreational and Trails (non-motorized) maps.
 - c. The proposed recreational activities are compatible with land uses on adjacent lots.
 - d. ~~Within the Coastal Zone the following additional findings are required.~~
 - (1) ~~The level of facility development is in conformance with the environmental carrying capacity of the area to be rezoned, i.e., the proposed recreation activities are of the kind, intensity, and location to ensure protection of habitat resources.~~
 - (2) ~~Coastal dependant and coastal related recreational uses are given priority.~~
 - (3) ~~If the proposed site is adjacent to the beach, adequate public access to and along the beach is provided.~~

SECTION 25:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

Section 35.106.020 - Notice of Public Hearing and Review Authority Action

- A. **Minimum requirements.** ~~Except for applications for Coastal Development Permits subject to Subsection 35.82.050.D.1, Land Use Permits, and Design Review (see Subsection 35.106.030.A, Sections 35.106.050, and 35.106.060 below, for respective noticing requirements), and Use Determinations where the Director is the review authority (see Subsection 35.82.190.D.2 for noticing requirements) notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all projects that require a noticed public hearing or notice of review authority action, including notice of the application and pending action on a Coastal Development Permit subject to either Subsection 35.82.050.D.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Chapter 35.102 (Appeals)) or Subsection 35.82.050.D.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan). Each notice shall comply with the following minimum requirements.~~

Except for decisions on applications for Design Review processed in compliance with Section 35.82.070, Emergency Permits processed in compliance with Section 35.82.090, Land Use Permits processed in compliance with Section 35.82.110, Zoning Clearances processed in compliance with Section 35.82.210, and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. **Mailed notice.**
 - (1) **Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes;
 - (b) The applicant;
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.44 (Telecommunications Facilities).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - ~~(h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
 - (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
 - e. **(3) Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.

- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - d. **Contents of notice.** The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.
 - e. The names and addresses used for mailed notice shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
 - (b) Applications for development that is under the jurisdiction of the Commission and requires the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plan required solely in compliance with Section 35.21.030.C., Section 35.22.030.C.1., Section 35.23.030.C.1., and Section 35.25.030.D.1.a.
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).
 - (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
 - (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
 - (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 26:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35.106.030, Coastal Development Permits and Land Use Permits within the Coastal Zone, of Chapter 35.106, Noticing and Public Hearings, in its entirety and reserve the section for future use.

SECTION 27:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35.106.040, Notice of Final Action Appealable to the Coastal Commission, of Chapter 35.106, Noticing and Public Hearings, in its entirety and reserve the section for future use.

SECTION 28:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.050, Land Use Permits - Inland Area, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.050 - Land Use Permits ~~-Inland Area~~

- A. Minimum requirements.** Notice of an application and pending action or action on a Land Use Permit application ~~for property located in the Inland area~~ shall be given in compliance with the following:
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Mailed notice.** Mailed notice shall be provided to:
 - (1) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - (2) All residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35.44.010.C.1.
 - (3) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - b. Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c.** The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - (1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - (2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.
 - d.** The notice shall be ~~required to be~~ continuously posted from the date required by Subsection A.1.c., above, until at least 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

e. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice) below.

(1) Notice of applications for Residential Second Units, and additions thereto, as may be allowed in compliance with Section 35.42.230 (Residential Second Units) shall include a statement that the grounds for appeal of an approved or conditionally approved Land Use Permit are limited to the demonstration that the project is inconsistent with the applicable provisions of Subsection 35.42.230.G (Development standards).

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.

c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Department and:

(1) If the application is subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;

(2) If the application is not subject to Design Review in compliance with Section 35.82.070 (Design Review), at least 10 days before an action by the Director to issue a Land Use Permit.

d. The notice shall be required to be continuously posted from the date required by Subsection A.2.c., above ~~until at least~~ and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Land Use Permit.

e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other ~~required~~ documentation required by the Director with the Department prior to the action ~~of~~ by the Director to issue the Land Use Permit. Failure of the applicant to comply with this Section may result in postponement of the action by the Director.

SECTION 29:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A.1 of Section 35.106.070, Emergency Permits, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

A. Minimum requirements. Notice of the application for an Emergency Permit shall be given in compliance with the following:

1. The Department shall provide mailed notice of applications for Emergency Permits to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.

~~a. For properties in the Coastal Zone, notice shall also be mailed to all residents within a 100-foot radius of the exterior boundaries of the affected property.~~

SECTION 30:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code,

is amended to amend Chapter 35.106, Noticing and Public Hearings to add a new Section 35.106.075 titled "Time Extensions Under the Jurisdiction of the Director" read as follows:

Section 35.106.075 Time Extensions Under the Jurisdiction of the Director

A. Minimum requirements. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Newspaper publication. If the Director is the decision-maker on an application because the requirement for a hearing on the application has been waived in compliance with this Article, then notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before an action by the Director to approve, conditionally approve or deny the application.

b. Mailed notice.

(1) Except as provided in Subsection A.1.g, below, mailed notice shall be provided to:

(a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.

(b) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35.44.010.C.1.

(c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.

(2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

(3) Optional notice authorized by the Director. In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.(1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

(a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.

(b) Mailed notice shall continue to be sent to all relevant parties in compliance with Subsection A.1.a.(1), above, where mail delivery is available to addresses appearing on the equalized County assessment roll.

c. Posted Notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

d. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.

e. The posted notice shall be required to be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.

f. The contents of the notice shall be in compliance with Section 35.106.080 (Contents of Notice).

SECTION 31:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.106.080, Contents of Notice, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

Section 35.106.080 - Contents of Notice

- A. Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by applicant.
1. The date of filing of the application and the name of the applicant.
 2. The Department case number assigned to the application.
 3. The name of the Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 4. A description of the project, and its location and a statement that the project is located is within the Coastal Zone, if applicable.
- B. Notice for projects that require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A. (Notice for all projects) above.
 2. The place, date, and general time of the hearing at which the project will be heard by the review authority, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action of the review authority is required.
 3. A general description of the County procedures concerning the conduct of public hearings and actions, including the submission of public comments either in writing or orally before the hearing or decision, and requirements regarding the procedure to appeal the decision.
 4. ~~The procedure for Coastal Commission appeals, including any required appeals fees, if applicable.~~
 5. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Chapter 35.44 (Telecommunications Facilities) shall include 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 Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35.106.110 (Hearing Procedure) below.
- C. Notice for projects that do not require a public hearing or discretionary review authority action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a review authority not including notices that are required to be posted by applicant.
1. All information required by Subsection A (Notice for all projects), above.
 2. A general description of the County procedures concerning the review of ~~an~~ the application ~~for a Coastal Development Permit or Land Use Permit,~~ including:
 - a. How to participate in the review of the application ~~for the Coastal Development Permit or Land Use Permit;~~
 - b. How to receive notification of any pending review in compliance with Section 35.82.070 (Design Review) if applicable, or action to approve, conditionally approve, or deny the ~~Coastal Development Permit or Land Use Permit~~ application;
 - c. How to submit comments either in writing or orally before review by the Board of Architectural Review if applicable, or action to approve, conditionally approve, or deny the

~~Coastal Development Permit or Land Use Permit application~~; and

- d. Requirements regarding the procedure to appeal the decision of the Board of Architectural Review if applicable, or action by the Director to approve, conditionally approve, or deny the ~~Coastal Development Permit or Land Use Permit application~~.
3. If applicable, the date of the pending action on the application for the ~~Coastal Development Permit or Land Use Permit~~, and the date of expiration of the appeal period.
4. ~~If the subject lot is located in the Coastal Zone, a statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments on the requested Coastal Development Permit or Land Use Permit, excluding permits that follow a previous discretionary approval.~~

SECTION 32:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110, Definitions, to amend the existing definitions of “Agricultural Processing - Extensive,” “Grocery and Specialty Food Store” and “Zoning Administrator” to read as follows:

Agricultural Processing - Extensive. The refinement or other processing of agricultural products to substantially change them from their raw form, which involves machinery, chemical reactions, and/or hazardous or highly odiferous materials or products. Examples of this land use include the following:

alfalfa cubing	grist mills
corn shelling	hay baling and cubing
cotton ginning	milling of flour, feed and grain
ethanol production	sugar mills
grain cleaning and custom grinding	tree nut hulling and shelling

Grocery and Specialty Food Store. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store; however, areas for the on-premises sale and consumption of both packaged food products and specially prepared food items such as salads and sandwiches are allowed. Includes delicatessens, and retail bakeries; where any onsite baking is only for onsite sales.

Zoning Administrator. A staff position authorized by Government Code Section 65900 *et seq.* created by ordinance, which authorizes a hearing officer to hear and decide on applications including Development Plans, Minor Conditional Use Permits, Modifications and Variances, in compliance with this Development Code.

SECTION 33:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110, Definitions, to add a new definition of “Delicatessens.”

Delicatessens. A retail business primarily selling foods that are already prepared or require little preparation for serving, such as cheeses, cooked meats, and salads.

SECTION 34:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 35:

Except as amended by this Ordinance, Article 35.2, Article 35.3, Article 35.4, Article 35.8, Article 35.10 and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 36:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2014, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel