

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: December 1, 2005
Department Name: Planning & Development
Department No.: 053
Agenda Date: December 13, 2005
Placement: Departmental
Estimate Time: 15 Minutes
Continued Item: YES
If Yes, date from: 11/22/2005 (set hearing)
Document File Name: G:\GROUP\Dev_Rev\Ca Coastal
Commission\CCC Transmittal
2005-3\BOS LTR 12-13-2005.doc

TO: Board of Supervisors

FROM: Dianne Meester, Assistant Director
Planning & Development

STAFF CONTACT: Noel Langle, Planner
568-2009

SUBJECT: Adoption of resolution submitting Local Coastal Program amendments to the California Coastal Commission for certification: Height Calculation Methodology (05ORD-00000-00001), Telecommunications Permitting Revisions (05ORD-00000-00004) and Board of Architectural Review Process Revisions (05ORD-00000-00014).

Recommendations:

That the Board of Supervisors:

- A. Adopt the attached resolution and direct staff to submit the following Local Coastal Program amendments to the California Coastal Commission for certification:
1. Amendments concerning the methodology for calculating the height of a structure (05ORD-00000-00001).
 2. Amendments to update the regulations pertaining to the permitting of commercial and noncommercial telecommunication facilities (05ORD-00000-00004).
 3. Amendments to revise the Board of Architectural Review design review process (05ORD-00000-00014).

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with actions required by law or by routine business necessity.

Executive Summary & Discussion:

The amendments referenced above amend the County's Local Coastal Program by revising the text of Article II, the Coastal Zoning Ordinance, and thus are required to be certified by the California Coastal Commission. These amendments have previously been approved by the Board of Supervisors. Staff recommends that you approve the attached resolution incorporating all the referenced amendments into the submittal package, and direct staff to submit this package to the California Coastal Commission for certification.

Mandates and Service Levels:

State law (California Public Resources Code) and the Article II Coastal Zoning Ordinance require that amendments to the County's Local Coastal Program approved by the Board of Supervisors be transmitted to the California Coastal Commission for certification.

Fiscal and Facilities Impacts:

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

Special Instructions:

1. Planning & Development will satisfy all noticing requirements.
2. Clerk of the Board shall forward copies of the Minute Order and executed Resolution to Noel Langle in Planning & Development.

Concurrence: County Counsel

Attachments:

1. Board of Supervisors Resolution submitting the Local Coastal Program amendments to the California Coastal Commission.

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

IN THE MATTER OF SUBMITTING TO THE) COASTAL COMMISSION AMENDMENTS TO) THE TEXT OF THE SANTA BARBARA) COUNTY LOCAL COASTAL PROGRAM) <hr/>) RESOLUTION NO: _____) CASE NOS.:) 05ORD-00000-00001;) 05ORD-00000-00004;) 05ORD-00000-00014.
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WITH REFERENCE TO THE FOLLOWING:

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

1. 05ORD-00000-00001 Height Calculation Methodology, attached as Exhibit A:

05ORD-00000-00001 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 7 (General Regulations) and Division 15 (Montecito Overlay) to amend the existing definitions, zone district standards, general regulations and overlay requirements regarding the height of structures to implement a new definition of height and a new methodology to determine the height of a structure.

2. 05ORD-00000-00004 Telecommunications Permitting Revisions, attached as Exhibit B:

05ORD-00000-00004 amends Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 7 (General Regulations) and Division 11 (Permit Procedures) to amend the existing definitions, zone district standards, general regulations and procedures regarding commercial and noncommercial telecommunication facilities.

3. 05ORD-00000-00014 Board of Architectural Review Process Revisions, attached as Exhibit C:

05ORD-00000-00014 to amend Article II of Chapter 35 of the Santa Barbara County Code by amending Division 2 (Definitions), Division 4 (Zoning Districts), Division 5 (Overlay Districts), Division 7 (General Regulations), Division 10 (Nonconforming

Structures and Uses), Division 11 (Permit Process), and Division 12 (Administration) to amend the existing definitions, zone district standards, overlay district standards, general regulations, standards regarding nonconforming structures and uses, permit procedures, and administrative procedures regarding proposed revisions to the Board of Architectural process.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the County Planning Commission and the Montecito Planning Commission have sent their written recommendations to the Board pursuant to Section 65354 of the Government Code.
- E. This Board has held duly noticed public hearings, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- F. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date.
- G. The Board now wishes to submit these amendments to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2005, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By: _____
Deputy County Counsel

Exhibit A

05ORD-00000-00001 Height Calculation Methodology

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

IN THE MATTER OF ADOPTING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO)
AMEND THE COASTAL ZONING ORDINANCE,))
ARTICLE II OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE, TO AMEND)
DIVISION 2, DEFINITIONS, DIVISION 7)
GENERAL REGULATIONS, AND DIVISION 15,))
MONTECITO COMMUNITY PLAN OVERLAY,)
TO IMPLEMENT A NEW METHODOLOGY TO)
DETERMINE THE HEIGHT OF A STRUCTURE.)
_____)

RESOLUTION NO.: _____
CASE NO.: 05ORD-00000-00001

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It is deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County that the Board of Supervisors amends the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

05ORD-00000-0001: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 2, Definitions, DIVISION 7, General Regulations, and DIVISION 15, Montecito Community Plan Overlay, to implement a new methodology to determine the height of a structure.

Said ordinance (Case No. 05ORD-00000-00001) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The County Planning Commission and the Montecito Planning Commission, after holding duly noticed public hearings on the above described items, have endorsed and

submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.

- F. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
- 4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
- 5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of November, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

EXHIBITS:

1. Ordinance - Article II (05ORD-00000-00001)

EXHIBIT 1: ARTICLE II ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, TO AMEND THE EXISTING DEFINITIONS, GENERAL REGULATIONS AND OVERLAY REQUIREMENTS REGARDING THE HEIGHT OF STRUCTURES TO IMPLEMENT A NEW METHODOLOGY TO DETERMINE THE HEIGHT OF A STRUCTURE.

Case No. 05ORD-00000-00001

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to add the following definitions of Architectural Element, Grade, Existing, Grade, Finished, Height Limit and Height, Structure, to read as follows:

ARCHITECTURAL ELEMENT: A portion of a building that exceeds the height limit and extends beyond the roof of the building.

GRADE, EXISTING: The existing condition of the ground elevation of the surface of a building site at the time of permit application, including Board of Architectural Review applications, that represents either (1) the natural grade prior to the placement of any fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.

GRADE, FINISHED: The level of the finished surface of the site after any permitted grading activities, including but not limited to cut and fill of existing slopes, associated with a specific permit application.

HEIGHT LIMIT: The maximum allowed height of a structure as established by an imaginary surface located at the allowed number of feet above and parallel to the existing grade.

HEIGHT, STRUCTURE: See Sec. 35-127, Height.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to delete the existing definition of Building Height.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-127, Height, to read as follows:

Sec. 35 127. Height.

- A. The following shall apply to structures located outside the Summerland Planning Area.
1. The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade except as provided in Sec. 35-127.A.2. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. Exceptions.
 - 1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.
 - 2) Portions of a structure may exceed the height limit applicable to the subject structure by no more than three feet where the roof exhibits a pitch of 4 in 12 (rise to run) or greater.

- 3) In order to provide for architectural character, architectural elements, whose aggregate area is less than or equal to 10 percent of the total roof area of the structure or 400 square feet, whichever is less, may exceed the height limit by no more than eight feet when approved by the Board of Architectural Review.
2. For structures located within the Montecito Planning Area that (1) are zoned AG-I, R-1/E-1, R-2, DR and PRD, and (2) are not subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines), the height of a structure shall be the vertical distance between the finished grade and the uppermost point of the structure directly above that grade if any portion of the structure is located above an area of the site where the finished grade is 10 feet or more above existing grade.
3. In addition to the height limit applicable to a structure as described in Sec. 35-127.A.1, a structure subject to the Ridgeline/Hillside Development Guidelines shall not exceed a maximum height of 32 feet as measured from the highest part of the structure, excluding chimneys, vents and noncommercial antennas, to the lowest point of the structure where an exterior wall intersects the finished grade or the existing grade, whichever is lower. In the case where the lowest point of the structure is cantilevered over the ground surface, then the calculated maximum height shall include the vertical distance below the lowest point of the structure to the finished grade or the existing grade, whichever is lower. Except for structures located within the Montecito Planning Area, this 32 foot limit may be increased by no more than three feet where the highest part of the structure is part of a roof element that exhibits a pitch of four in 12 (rise to run) or greater.
- B. The following shall apply to structures located within the Summerland Planning Area.
 1. The height of a structure shall be the vertical distance between the average finished grade of the lot covered by the building to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof. The height of any structure shall not exceed the applicable height limit except as provided below.
 - a. Exceptions.
 - 1) Chimneys, church spires, elevator, mechanical and stair housings, flag poles, oil and gas derricks, noncommercial antennas, towers, vents, and similar structures which are not used for human activity may be up to 50

feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach or VC, View Corridor Overlay District. The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity.

- C. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television, and wireless) or with amateur radio stations may be up to 50 feet in height. These facilities may exceed 50 feet up to a maximum of 75 feet in height where technical requirements dictate. Amateur radio antennas may exceed 75 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 75 in height feet if:
1. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
 2. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- D. Specific exceptions to this limitation for the height of temporary drilling rigs to explore and produce offshore oil and/or gas reservoirs from onshore sites may be permitted until cessation of drilling in accordance with an approved plan that requires due diligence; however, the height limitation shall not be exceeded for a total period of time of four years. Upon written request by the operator, the Director of Planning and Development may grant up to two one-year extensions provided that, for each extension, the operator has demonstrated it has proceeded with due diligence in completing an established drilling program, or for well maintenance, or for well abandonment.

SECTION 4:

DIVISION 15, MONTECITO COMMUNITY PLAN OVERLAY DISTRICT, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-204,

Height of Structures, to read as follows:

Sec. 35-204. Height of Structures.

1. If any portion of a structure is located above an area of the site where the finished grade is 10 feet or more above existing grade, then the structure shall be limited to 16 feet in height as calculated pursuant to Sec. 35-127.A.2 except as otherwise allowed pursuant to Sec. 35-127.A.1.a.

SECTION 5:

Applicability. The determination of conformity with the height limits of this Article for projects that received preliminary approval from the Board of Architectural Review prior to the effective date of this ordinance in compliance with Section 7, below, shall be based on this Article as it as it existed at the time of preliminary approval provided that the Coastal Development Permit for said project is approved prior to the expiration of 12 months following the effective date of this ordinance in compliance with Section 7, below. However, the applicant for such a project may elect to have the determination of conformity with the height limits of this Article be based on this Article as it exists after the effective date of this ordinance.

SECTION 6:

Except as amended by this Ordinance, Divisions 2, 7 and 15 of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of November, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

Exhibit B

Telecommunications Permitting Revisions

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

IN THE MATTER OF ADOPTING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO)
AMEND THE COASTAL ZONING ORDINANCE))
ARTICLE II OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE TO AMEND)
DIVISION 2, DEFINITIONS; DIVISION 7,)
GENERAL REGULATIONS; AND DIVISION 11,)
PERMIT PROCEDURES; TO ADD NEW)
DEFINITIONS AND MAKE OTHER REVISIONS))
TO THE EXISTING PROCEDURES AND)
DEVELOPMENT STANDARDS THAT)
REGULATE THE CONSTRUCTION AND USE)
OF COMMERCIAL AND NONCOMMERCIAL)
TELECOMMUNICATION FACILITIES.)
_____)

RESOLUTION NO.: _____
CASE NO.: 05ORD-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It is deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of residents of the County that the Board of Supervisors amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Case Number 05ORD-00000-00004: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, and DIVISION 11, PERMIT PROCEDURES, to: add new definitions of Ridgeline and Utility Pole, Existing; amend the existing definitions of Substantially Visible and Telecommunications Facility, Tenant Improvement; add new provisions to allow for wireless internet access antennas; clarify processing requirements for telecommunications facilities located in zone districts requiring development plans; clarify the requirements regarding measuring and reporting on radio frequency electromagnetic energy emissions; add new development standards for noncommercial telecommunication facilities; and make other minor revisions to the existing procedures and development standards

that regulate the construction and use of commercial and noncommercial telecommunications facilities.

Said ordinance (05ORD-00000-00004) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The County Planning Commission and the Montecito Planning Commission, after holding duly noticed public hearings on the above described item, have endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.
- F. The Board of Supervisors has held a duly noticed public hearing, as required by Sections 65355 and 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
- 3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
- 4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
- 5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this November 22, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. Ordinance – Article II (Case No.: 05ORD-00000-00004)

EXHIBIT 1: ARTICLE II ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES; TO ADD NEW DEFINITIONS OF RIDGELINE AND UTILITY POLE, EXISTING; TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELLECOMMUNICATION FACILITY, TENANT IMPROVEMENT; ADD NEW PROVISIONS TO ALLOW FOR WIRELESS INTERNET ACCESS ANTENNAS, CLARIFY PROCESSING REQUIREMENTS FOR TELECOMMUNICATION FACILITIES LOCATED IN ZONE DISTRICTS REQUIRING DEVELOPMENT PLANS, CLARIFY THE REQUIREMENTS REGARDING MEASURING AND REPORTING ON RADIO FREQUENCY ELECTROMAGNETIC ENERGY EMISSIONS, ADD NEW DEVELOPMENT STANDARDS FOR NONCOMMERCIAL TELECOMMUNICATION FACILITIES, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL AND NONCOMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 05ORD-0000-00004 (Article II)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-58 to add new definitions for Ridgeline, and Utility Pole, Existing, to read as follows:

RIDGELINE: As used within Sec. 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new

utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-58 to amend the existing definitions of Substantially Visible, and Telecommunication Facility, Tenant Improvement, to read as follows:

SUBSTANTIALLY VISIBLE: An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.3, Processing, to read as follows:

Sec. 35-144F.3. Processing.

No permits for development subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements, including the requirements of Sections 35-144F.4 through 35-144F.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Sec. 35-169:

- a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52. Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
- 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If a facility is located in an agricultural zone as identified in Sec. 35-52, the height limit is that which applies to residential structures in that location.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - ii) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - iii) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure,

including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.

- 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-52:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
 - 2) The antenna is mounted on either (1) an existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by Planning & Development, or (2) the roof of an existing structure. No more than two antennas shall be located on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the facilities shall be null and void.
 - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.

2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Sec. 35-174 and the approval and issuance of a Coastal Development Use Permit pursuant to Sec. 35-169:
 - a. Wireless telecommunication facilities that qualify as tenant improvements and conforms to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52. Additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Sec. 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-174 shall be allowed.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) As provided in Sec. 35-144F.3.1.a.2.
 - ii) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection pursuant to Sec. 35-127 (General Regulations).
 - 3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - b. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1 or 35-144F.3.2.a but do conform to the following

development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52 except for the Recreation (REC) zone district.

- 1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-174 shall be allowed.
- 2) Antennas and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) As provided in Sec. 35-144F3.2.a.2.
 - ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by Planning and Development, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- 3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- 4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
- 5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on an Environmental Resources

Management Element map, provided all the components of the facility are not substantially visible from the roadway located within the corridor.

3. The following development requires a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:
 - a. Wireless telecommunication facilities that may not be permitted pursuant to Secs. 35-144F.3.1, 35-144F.3.2.a or 35-144F.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52 except the Recreation (REC) zone district.
 - 1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Sec. 35-52, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Sec. 35-172 may be allowed, however, the highest point of the antenna and associated support structure may not exceed 50 feet.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in without the approval of a modification pursuant to Sec. 35-172 under the following circumstances:
 - i) As provided in Sec. 35-144F.3.2.b.2.
 - ii) The antenna and antenna support structure are mounted on an existing building or structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the building or structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the building or structure.
 - 3) New freestanding antenna support structures and associated antennas that do not utilize an existing, operational public utility pole or similar support

structure, as determined by Planning and Development, shall not exceed a height of 50 feet.

- 4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - b. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television and communication signals that (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed 50 feet in height may be allowed in all non-residential zone districts as identified in Sec. 35-52.
 - c. Private, non-commercial telecommunication facilities used in conjunction with and serving an agricultural operation located on the property that the facility is located on are allowed in all agricultural zone districts.
4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:
- a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a, 35-144F.3.2.b or 35-144F.3.3 but do conform to the following development standards may be allowed in all zone districts:
 - 1) The height of the antenna and antenna support structure shall not exceed 75 feet.
 - 2) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
 - 3) If the facility is proposed to be located in a residential zone district as identified in Section 35-52 or located in the Recreation (REC) zone district, or does not comply with subsection 2) above, the Planning

Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served by the carrier proposing the facility.

- b. Other telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: equipment shelters, antennas, antenna support structures and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Sec. 35-52. This does not include wireless telecommunication facilities that are subject to the provisions of Sec. 35-144F.4.a or amateur radio facilities that are subject to the provisions of Sec. 35-144G.
5. Commercial telecommunication facilities shall be subject to Sec. 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new building or structure or the remodel of or addition to an existing building or structure that is otherwise subject to review by the Board of Architectural Review pursuant to Sec. 35-184.
 - b. The facility is under the jurisdiction of the Planning Commission.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.4, Additional Development Standards for Telecommunication Facilities, to read as follows:

Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.

In addition to the development standards contained in Sec. 35-144F.3, commercial telecommunication facilities shall also comply with the following development standards unless otherwise indicated.

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

- a. The facility shall comply with the setback requirements of the zone district that the facility is located in except as follows:
 - 1) Antennas may be located within the setback area without approval of a modification provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
 - 2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - 3) A modification to the setback is granted pursuant to Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans).
- b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter.
- c. Facilities proposed to be installed in or on a building, structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board of Supervisors on appeal.
- d. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
- e. The facility shall be served by roads and parking areas consistent with the following requirements:
 - 1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - 2) Existing parking areas shall be used whenever possible, and any new parking areas shall not exceed 350 square feet in area.
 - 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
- f. The facility shall be unlit except for the following:

- 1) A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually present at night.
 - 2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible in such manner so as to minimize the amount of light that falls onto nearby residences.
- g. The facility shall not be located within the safety zone of any airport unless the airport operator indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F- Airport Approach Overlay District (Sec. 35-100) shall comply with the height limitations of that overlay district.
- h. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- i. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- j. The facility shall be constructed so as to maintain and enhance existing vegetation through the implementation of the following measures:
- 1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that is not required to be removed in order to construct the facility shall be protected from damage during the construction period and for the life of the project.
 - 2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - 3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines and telephone lines under the following situations:

- i) Such vegetation is required to screen the improvements from public viewing areas.
- ii) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

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

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

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

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

2. Telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. However, such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that

failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
- b. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-144F.3.2.b, Sec. 35-144F.3.3 and Sec. 35-144F.3.4 unless:
 - 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - 2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - 3) The decision-maker determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.

All proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. Sites determined by Planning & Development to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for collocation include but are not limited to the visibility

of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the FCC. Additional requirements regarding collocation are located in Sec. 35-144F.5.3.

- c. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public roads, trails, recreational areas).
 - d. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
 - e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize visual impacts.
3. Telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-172. An exemption may only be granted if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.

- a. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on an Environmental Resources Management Element map.
- b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is collocated in a multiple user facility.
- c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple-user site.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.
- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. All associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, non-indigenous plant species which tend to supplant native species shall be prohibited.

SECTION 5:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.5, Project Installation and Post Installation Provisions, to read as follows:

Sec. 35-144F.5 Project Installation and Post Installation Provisions.

1. Radio Frequency (RF) Emission Levels. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or any legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for all commercial telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
 - b. If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.
 - c. If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the

federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.

2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.

3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit shall be grounds for revocation of the use permit or other entitlement of use by the Director. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-182.2 of this article.

2. Project Review.

a. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Development may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection it is determined that:

- 1) The project fails to achieve the intended purposes of the development standards listed in Section 35-144F.4 for reasons attributable to design or changes in environmental setting; or
- 2) More effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed ten percent of the total cost of facility construction. The decision of the Director as to modifications required under this section shall be deemed final unless appealed pursuant to Sec. 35-182.2 of this article.

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication project to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:
 - a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs and permit processing.
 - b. The permittee shall not be required to compromise the operational effectiveness of their facility or place any prior approval at risk.
 - c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a non-discriminatory and equitable basis. County retains the right to verify that the use of the facility and property conforms with County policies regarding collocation and to impose additional permit conditions where necessary to assure these policies are being fulfilled.

- d. In the event that the need for access to such facilities is demonstrated by other applicants to the decision-maker, carriers shall make available any excess space of their facilities to such other applicants at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facility or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-182.2 of this Article. The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.
- a. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Development prior to completion of the one year period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the County's notice to abate.

- c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Prior to the issuance of the land use permit to construct the facility, the applicant shall post a performance security in an amount and form determined by Planning and Development that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.
 - d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Planning and Development approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.
5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible for to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval shall be provided by the succeeding carrier to the Director of Planning and Development within 30 days of the transfer of interest in the facility.
6. Color Compatibility. Prior to the issuance of the land use permit the applicant may erect an onsite demonstration structure of sufficient scale and height to permit the Director of Planning and Development to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect such a demonstration structure prior to issuance of the land use permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.8, Contents of an Application, to read as follows:

Sec. 35-144F.8. Contents of an Application.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:

- a. completed supplemental project information forms;
- b. cross-sectional area calculations;
- c. service area maps;
- d. network maps;
- e. alternative site analysis;
- f. visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
- g. RF exposure studies;
- h. title reports identifying legal access;
- i. security programs
- j. lists of other nearby telecommunication facilities.

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

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to any third party.

SECTION 7:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144G.4, Development Standards, to read as follows:

Sec. 35-144G.4. Development Standards.

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. These noncommercial telecommunication facilities shall comply with the following development standards only to the extent such requirements do not (1) preclude amateur service communications and (2) reasonably accommodate amateur service communications. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-172. The purpose and intent of these standards is to allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national and international interests in services provided by the amateur radio community such that the provision of these services must be protected. However, this must be balanced with local interests regarding public safety and welfare. Antennas and support structures shall comply with the following standards and any other applicable regulations of this Article including but not limited to setbacks.

1. An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the property on which the antenna and support structure is located. Where such access would be impeded, a minimum of three feet clearance must be provided between the antenna support structure and any other building, structure or other obstacle.
2. Antenna support structures that are located on roofs shall be located on the portion of the building that faces away from public viewing areas such as public streets, parks, etc., whenever technically feasible.
3. Any required building and electrical permits shall be obtained prior to erecting or operating the antenna support structure and associated antenna.
4. No antenna, regardless of height, shall be located so that it extends over any neighboring property without the express written, notarized consent of the affected property owner. If the affected property changes ownership, then written, notarized consent must be

obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the property line. If the antenna support structure must be relocated, then a new Coastal Development Permit shall be obtained prior to relocation of the antenna support structure.

5. The visible support facilities shall be finished in non-reflective materials.
6. The components of the facility shall be of a color that blends with surrounding environment to the maximum extent feasible.
7. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.
8. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or other public viewing area.
9. Facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public roads, trails, recreational areas).
10. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.

SECTION 8:

Section 35-169, Coastal Development Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.2.1.e to read as follows:

- e. Buildings or structures, except for telecommunications facilities regulated under Sections 35-144F and 35-144G, having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

SECTION 9:

DIVISION 11, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-172.6 of Section 35-172, Conditional Use Permits, to read as follows:

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35 174.) as are applicable to the request.
2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit except for those uses listed in Sec. 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations – Applications That Are Under The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-174 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
 - a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
 - b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following.
 - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Sec. 35-144F.3.3 provided that any structure constructed or

erected as part of the telecommunications facility (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Sec. 35-144F.5.4 (Project Abandonment/Site Restoration).

SECTION 10:

Except as amended by this Ordinance, Divisions 2 , 7 and 11 of Article II of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 11:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SUSAN ROSE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel

Exhibit C

Board of Architectural Review Process Revisions

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

IN THE MATTER OF ADOPTING)
AMENDMENTS TO THE SANTA BARBARA)
COUNTY LOCAL COASTAL PROGRAM TO)
AMEND THE COASTAL ZONING ORDINANCE)
ARTICLE II OF CHAPTER 35 OF THE SANTA)
BARBARA COUNTY CODE TO AMEND)
DIVISION 4, ZONING DISTRICTS, DIVISION 5,)
OVERLAY DISTRICTS, DIVISION 7, GENERAL)
REGULATIONS, DIVISION 11, PERMIT)
PROCEDURES, AND DIVISION 12,)
ADMINISTRATION, TO AMEND THE DESIGN)
REVIEW PROCEDURES REGARDING THE)
FORMATION OF REGIONAL BOARDS OF)
ARCHITECTURAL REVIEW AND PROVIDE)
SPECIAL PROVISIONS FOR CERTAIN)
PROJECTS LOCATED WITH THE)
JURISDICTIONAL AREA OF THE NORTH.)
COUNTY BOARD OF ARCHITECTURAL)
REVIEW, AND MAKE OTHER MINOR)
REVISIONS.)
_____)

RESOLUTION NO.: _____
CASE NO.: 05ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It is deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of residents of the County that the Board of Supervisors amend the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Case Number 05ORD-00000-00014: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 4, ZONING DISTRICTS, DIVISION 5, OVERLAY DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, PERMIT PROCEDURES, AND DIVISION 12, ADMINISTRATION to: amend the design review procedures to provide for the formation of regional Boards of Architectural Review and provide special provisions for certain projects located

within the jurisdictional area of the North County Board of Architectural Review, make other minor revisions to the existing procedures and development standards that regulate the construction and use of commercial and noncommercial telecommunication facilities.

Said ordinance (05ORD-00000-00014) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The County Planning Commission and the Montecito Planning Commission, after holding duly noticed public hearings on the above described item, have endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.
- F. The Board of Supervisors has held a duly noticed public hearing, as required by Sections 65355 and 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Local Coastal Program, and the requirements of the State Planning and Zoning Laws as amended to this date.
- H. The Board of Supervisors will submit this amendment to the California Coastal Commission at a later date.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this November 22, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUSAN ROSE, Chair
Board of Supervisors, County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. Ordinance – Article II (Case No.: 05ORD-00000-00014)

EXHIBIT 1: ARTICLE II ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 4, ZONING DISTRICTS; DIVISION 5, OVERLAY DISTRICTS; DIVISION 7, GENERAL REGULATIONS; DIVISION 11, PERMIT PROCEDURES; AND DIVISION 12, ADMINISTRATION TO AMEND THE DESIGN REVIEW PROCEDURES REGARDING THE FORMATION OF REGIONAL BOARDS OF ARCHITECTURAL REVIEW AND PROVIDING SPECIAL PROVISIONS FOR CERTAIN PROJECTS LOCATED WITHIN THE JURISDICTIONAL AREA OF THE NORTH COUNTY BOARD OF ARCHITECTURAL REVIEW, AND MAKE OTHER MINOR REVISIONS.

Case No. 05ORD-0000-000014 (Article II)

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

SECTION 1:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-77A.2.3, of Section 35-77A, C-1 Limited Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 2:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-78.2.3 of Section 35-78, C-2 Retail Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 3:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-78.3.4 of Section 35-78, C-2 Retail Commercial, to read as follows:

4. Automobile and machinery repair and service if conducted wholly within a completely enclosed building or within an area enclosed by a solid wall, hedge, or fence not less than six

feet in height approved as to design by Director, but not including automobile or machinery wrecking establishments or junk yards.

SECTION 4:

DIVISION 4, ZONING DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-79.2.3 of Section 35-79, C-3 General Commercial, to read as follows:

3. All new structures and alterations to existing structures shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

SECTION 5:

DIVISION 5, OVERLAY DISTRICTS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-98, D Design Control Overlay District, to read as follows:

Sec. 35-98. D Design Control Overlay District.

Sec. 35-98.1. Purpose and Intent.

The purpose of this district is to designate areas where, because of visual resources and/or unique neighborhood characteristics, plans for new or altered structures are subject to design review in compliance with Sec. 35-184 (Board of Architectural Review). The intent is to ensure well designed developments and to protect scenic qualities, property values, and neighborhood character.

Sec. 35-98.2. Applicability.

Each land use and proposed development within the D Overlay District shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section. If a requirement of this Section conflicts with a requirement of the primary zone, the most restrictive shall control.

Sec. 35-98.3. Permit and Processing Requirements.

All new structures and alterations to existing structures within the D Overlay District shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review).

Sec. 35-246.4. Setbacks, Height Limits, and Other District Requirements.

All new structures and alterations to existing structures shall comply with the regulations of the base zone, except that when the base zone allows modifications of such regulations by the decision-maker, the Board of Architectural Review may recommend in compliance with Sec. 35-184 (Board of Architectural Review the modifications of setbacks, height limits, and other requirements to protect visual resources.

SECTION 6:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-141.1 of Section 35-141, Mobile Homes on Foundations, to read as follows:

1. The mobile home shall have a roof overhang unless waived by the Director because the absence of a roof overhang would be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area;

SECTION 7:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144, Ridgeline and Hillside Development Guidelines, to read as follows:

Sec. 35-144. Ridgeline and Hillside Development Guidelines.

Sec. 35-144.1. Purpose and Intent.

The purpose of this section is to provide for the visual protection of the County's ridgelines and hillsides by requiring the Board of Architectural Review to review all proposed structures within the areas defined under Sec. 35-144.2., in terms of the guidelines as outlined in Sec. 35-144.3. The intent of this section is to encourage architectural designs and landscaping which conform to the natural topography on hillsides and ridgelines.

Sec. 35-292b.2. Applicability.

All structures proposed to be constructed in any zone district where there is a 16 foot drop in elevation within 100 feet in any direction from the proposed building footprint shall be subject to design review in compliance with Sec. 35-329 (Board of Architectural Review) for conformity with the Development Guidelines contained in Sec. 35-144.3.

Sec. 35-144.3. Development Guidelines.

The Board of Architectural Review shall have the discretion to interpret and apply the Ridgelines and Hillside Guidelines.

1. Urban Areas. The following development guidelines shall apply within Urban Areas as designated on the Local Coastal Program maps:

- a. The height of any structure should not exceed 25 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structure's location.
- b. Proposed structures should be in character with adjacent structures.
- c. Large understories and exposed retaining walls should be minimized.
- d. Landscaping should be compatible with the character of the surroundings and the architectural style of the structure.
- e. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

2. Rural and Inner Rural Areas. The following development guidelines shall apply within Rural and Inner-Rural Areas as designated on the Local Coastal Program maps:

- a. The height of any structure should not exceed 16 feet wherever there is a 16 foot drop in elevation within 100 feet of the proposed structural location.
- b. Building rake and ridge line should conform to or reflect the surrounding terrain.
- c. Materials and colors should be compatible with the character of the terrain and natural surroundings of the site.
- d. Large, visually unbroken and/or exposed retaining walls should be minimized.
- e. Landscaping should be used to integrate the structure into the hillside, and shall be compatible with the adjacent vegetation.
- f. Grading shall be minimized, in accordance with the Comprehensive Plan Goals.
- g. Development on ridgelines shall be discouraged if suitable alternative locations are available on the parcel.

Sec. 35-144.4. Exemptions.

1. The Board of Architectural Review may exempt a new structure or an alteration to an existing structure from compliance with these guidelines, in compliance with Sec. 35-329 (Board of Architectural Review) provided that in their review of the structure they find that one or more of the following situations applies to the proposed development:
 - a. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood.
 - b. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed.
2. The Director of Planning and Development may exempt a new structure or an alteration to an existing structure from compliance with these guidelines provided that in his review of the structure he find that one or more of the following situations applies to the proposed development:
 - a. The proposed site in on or adjacent to a minor topographic variation (e.g., gully), such that the 16 foot drop in elevation is not the result of a true ridgeline or hillside condition.
3. The following structures are exempt from these guidelines:
 - a. Windmills and water tanks for agricultural purposes.
 - b. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar services.

SECTION 8:

DIVISION 11, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.4 of Section 35-169, Coastal Development Permits, to read as follows:

Sec. 35-169.4. Processing.

1. **Review for Compliance.** The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. Applications for development within a Geographic Appeals Area may be subject to the requirements of Sec. 35-169.11, in addition to the provisions of this Section. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.
2. **Application deemed accepted.** The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.) this time period shall instead be 30 calendar days after the Planning and Development Department's acceptance of the application for processing.
3. **Decision subject to appeal.** The decision of the Planning and Development Department on the approval or denial of a Coastal Development Permits not subject to the additional requirements of Section 35-169.5 (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal in compliance with Sec. 35-182 (Appeals).
4. **Design Review required.** A Coastal Development Permit for any structure that requires design review in compliance with Sec. 35-184 (Board of Architectural Review) shall not be approved until the structure has received Preliminary Approval, and the Coastal Development Permit shall not be issued until the structure has received Final Approval, from the Board of Architectural Review.
5. **Development Plan required.** See Sec. 35-169.2.2.
6. **Public hearing required.** In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, or final action by the Director, the Planning and Development Department shall not approve or issue any subsequently required Coastal Development Permit within the 10 calendar days following

the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

7. **Hearing by Board of Supervisors on appeal.** In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the 10 working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in compliance with Sec. 35 182 (Appeals).
8. **Coastal Development Permit subject to resolution of the Board.** If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or an amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said Resolution.
9. **Montecito Coastal Area.** In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
10. **Date for posting of public notice.** Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181 (Noticing) and 35-182 (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following date of approval of the Coastal Development Permit.
11. **Coastal Development Permit not deemed effective prior to expiration of appeal period.** A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring or, if appealed, prior to final action by the County on the appeal, pursuant to Section 35-182 (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.

SECTION 9:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.4.3 of Section 35-174, Development Plans, to read as follows:

3. The Planning and Development Department shall refer the Preliminary Development Plan to the Subdivision/Development Review Committee and the Board of Architectural Review in compliance with Sec. 35-329 (Board of Architectural Review), for review and recommendation to the Planning Commission, Zoning Administrator, or the Director.

SECTION 10:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-174.6.2 of Section 35-174, Development Plans, to read as follows:

3. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations in compliance with Sec. 35-184 (Board of Architectural Review). This requirement may be waived by the Director of the Planning and Development Department in the following situations:
 - a. A Final Development Plan that is submitted subsequent to the approval of a Preliminary Development Plan where there is no change from the approved Preliminary Development Plan and the project received final approval from the Board of Architectural Review.
 - b. A Final Development Plan that is submitted pursuant to Sec. 35-174.2.2.b provided that any exterior alterations can be determined to be minor by the Director in compliance with Sec. 35-184.3.f (Board of Architectural Review-Exemptions).

SECTION 11:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-179.5.2 of Section 35-179, Modifications, to read as follows:

2. The project shall be subject to design review in compliance with Sec. 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for Preliminary Review and approval only, prior to the project being heard by the Zoning Administrator.

SECTION 12:

DIVISION 10, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-179.6.3 of Section 35-179, Modifications, to read as follows:

3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Board of Architectural Review in compliance with Sec. 35-184 (Board of Architectural Review), and/or will result in greater resource protection than the project without such Modification.

SECTION 13:

DIVISION 11, ADMINISTRATION, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-184, Board of Architectural Review, to read as follows:

Sec. 35-184. Board of Architectural Review.

Sec. 35-184.1. Purpose and Intent.

The purpose and intent of the Board of Architectural Review is to encourage developments which exemplify the best professional design practices so as to enhance the visual quality of the environment, benefit surrounding property values, and prevent poor quality of design.

Sec. 35-184.2. Applicability.

1. Reference to the Board of Architectural Review or County Board of Architectural Review in this Article shall be interpreted to mean the Central County Board of Architectural Review, the North County Board of Architectural Review, and the South County Board of Architectural Review, as these Boards of Architectural Review are established as a pilot project and identified in Chapter 2, Article V of the Santa Barbara County Code.

2. The Board of Architectural Review, as established by Chapter 2 of the County Code, shall govern the provisions of this section. Review and approval by the Board of Architectural Review shall be required for:
 - a. Any structure or sign requiring design review in compliance with DIVISION 4, ZONING DISTRICTS, of this Article, or the County Sign Ordinance, Article I of Chapter 35 of the County Code.
 - b. Any structure or sign requiring design review in compliance with DIVISION 5, OVERLAY DISTRICTS, of this Article, or the County Sign Ordinance, Article I of Chapter 35 of the County Code.
 - c. Any structure requiring design review in compliance with DIVISION 7, GENERAL REGULATIONS, of this Article.
 - d. Any structure requiring design review in compliance with DIVISION 10, PERMIT PROCEDURES, of this Article.
 - e. Any structure ~~use~~ requiring design review as required by the Planning Commission or the Board of Supervisors.
 - f. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
 - g. Any residential structure on a lot adjacent to the sea.

Sec. 35-184.3. Exceptions.

1. **General.** Board of Architectural Review approval is not required for the following:
 - a. Interior alterations.
 - b. Decks.
 - c. Swimming pools, hot tubs, and spas.
 - d. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:
 - (1) Fences, gates, and walls six feet or less in height and gateposts of eight feet or less in height, when located in the front setback area.

- (2) Fences, gates, and walls of eight feet or less in height and gateposts of 10 feet or less in height when located outside of front setback areas and not closer than 20 feet from the right-of-way line of any street.
 - e. Solar panels.
 - f. Any other exterior alteration determined to be minor by the Director.
 - g. Residential second units; however approval from the Board of Architectural Review Chair, or designee, is required.
- 2. Special provisions for projects within the jurisdictional area of the North County Board of Architectural Review.** The following are special provisions that apply to projects that are within the jurisdictional area of the North County Board of Architectural Review:
- a. Exemptions.** The following projects shall be exempt from design review if they cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways.
 - (1) Single family dwellings.
 - (2) Commercial and industrial projects that are not open to the public.
 - b. Advisory actions.** Review by the North County Board of Architectural Review of single-family dwellings is advisory and does not require either preliminary or final approval.
 - c. Time limits.** The North County Board of Architectural Review shall seek to complete its review of all projects within its purview as expeditiously as possible. Therefore, single-family dwellings shall be reviewed by the North County Board of Architectural Review no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless the project changes or requests for a continuance are initiated by the applicant require further review. If the North County Board of Architectural Review fails to render its advice within this limitation, then the project shall proceed to the decision-maker without a recommendation by the North County Board of Architectural Review.
 - d. Structures subject to Sec. 35-144 (Ridgeline and Hillside Development Guidelines).** The following applies to structures that would normally be subject

to design review due to their location in an area subject to the requirements of Sec. 35-144 (Ridgeline and Hillside Development Guidelines).

(1) Exempt structures. Structures that are exempt from design review in compliance with Sec. 35-184.3.2.a shall be reviewed as follows:

(a) Structures shall be reviewed by the Director of Planning and Development for compliance with the development guidelines contained in Sec. 35-144.3.

(b) The Director of Planning and Development may exempt a structure from compliance with the development guidelines in compliance with Sec. 35-144.4.1 in addition to Sec. 35-292b.4.2.

e. Special provision not applicable. The special provisions described in subsection a., b., and c. above shall not apply to the following:

(1) Development Plans within the jurisdiction of the Planning Commission.

(2) Structures subject to approved ministerial and discretionary permits, including subdivision maps, that are conditioned to require review and approval by the Board of Architectural Review in order to mitigate visual impacts or provide for consistency with the Comprehensive Plans, including adopted Community Plans.

Sec. 35-184.4. Contents of Application.

1. Prior to the issuance of any permits for developments subject to Board of Architectural Review, as many copies of the Board of Architectural Review application and project plans, as well as additional materials (color and texture chips, etc.)_as may be required shall be filed with the Planning and Development Department. The plans shall include the information and details required by the Planning and Development Department.

2. An application for approval of a sign shall contain the “Required Information” in compliance with Sections 35-9 or 35-10 of the County Sign Regulations, Article I of Chapter 35 of the County Code.

Sec. 35-184.5. Processing.

1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve applications for Preliminary and Final Approval submitted in accordance with Sec. 2-33.15 of Chapter 2 of the County Code. The Board of Architectural Review shall also

render its advice on the exterior architecture of buildings, structures, and signs to the Planning Commission or Board of Supervisors when requested to do so.

2. Applications for Preliminary and Final Approval by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project.

Sec. 35-184.6. Findings Required for Approval.

Prior to approving any Board of Architectural Review application, the Board of Architectural Review shall make the following findings:

1. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
2. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
3. Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers, or signs) shall be in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
4. Mechanical and electrical equipment shall be well integrated in the total design concept.
5. There shall be harmony of material, color, and composition of all sides of a structure or building.
6. A limited number of materials will be on the exterior face of the building or structure.
7. There shall be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
8. Site layout, orientation, and location of structures, buildings, and signs shall be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property.

9. Adequate landscaping shall be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provision for maintenance of all planting.
10. Signs including their lighting, shall be well designed and shall be appropriate in size and location.
11. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Sec. 35-144a of this Article.
12. Other findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone.

Sec. 35-184.7. Appeals.

The decision of the Board of Architectural Review to grant or deny Preliminary or Final approval is final subject to appeal in compliance with Sec. 35-182 (Appeals). Advisory recommendations of the North County Board of Architectural Review are not subject to appeal.

Sec. 35-329.8. Expiration.

1. Where there is an associated development permit, Board of Architectural approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires.
2. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development.
3. Advisory recommendations of the North County Board of Architectural Review shall not expire.

SECTION 14:

Except as amended by this Ordinance, Divisions 4, 5, 7, 11 and 12 of Article II of Chapter 35 shall remain unchanged and shall continue in full force and effect.

SECTION 15

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 22nd day of November, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SUSAN ROSE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN SHANE STARK

County Counsel

By _____
Deputy County Counsel