

ATTACHMENT I: 11ORD-00000-00014 ARTICLE II ORDINANCE AMENDMENT

ORDINANCE NO. _____

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

Case No. 11ORD-00000-00014

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

SECTION 1:

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

Sec. 35-57A Application Preparation and Filing.

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

1. Defense and indemnification agreement.

a. Unless disallowed by State law, at the time of the filing of an application, the Owner/Applicant shall agree, as part of the application, to defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, an approval of the application by the County.

(1) A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless a executed defense and indemnification agreement acceptable by the County is submitted with the application.

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

C. Application fees.

1. Fee schedule. The Board of Supervisors shall establish by resolution a schedule of fees and/or deposits for the processing of the various applications required by this Article, hereafter referred to as the Board's Fee Resolution.

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

SECTION 2:

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

Driveway.

1. A designated passageway providing vehicular access between an alley or street and a garage or carport, a designated parking area, or other driveway or street.
2. ~~A private right of way which affords vehicular access from a public or private street ad defined herein to abutting or adjacent property which is not, and under existing subdivision and zoning regulations cannot be divided into more than four separate lots or parcels~~ A private right-of-way that provides the principal means of vehicular access from a public right-of-way to four or fewer lots that, in aggregate, under the minimum lot area requirements of this Development Code, cannot be divided into more than four lots.

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

SECTION 3:

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

Adjacent. See “abut.”

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

~~**Charitable Function.** An event or activity that is held by a charitable nonprofit organization that is registered with the federal Internal Revenue Service as a Internal Revenue Code 501(c)(3) nonprofit organization.~~

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

same site as storage and/or maintenance facilities. Does not include junk yards.

Department. The Santa Barbara County Planning and Development Department, referred to in this Article as the “Department” or the “Planning and Development Department.”

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

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

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

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

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

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

SECTION 4:

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

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

1. Exterior parking. The following standards apply to the keeping, parking, or storage (hereinafter referred to as “parked” or “parking” within the meaning of this Subsection K) of operative and inoperative motor vehicles outside of a fully enclosed or fully screened structure. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish exterior parking except when 1) this Section requires a permit, or 2) the parking involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permits in compliance with Section 35-169 (Coastal Development Permits), or 3) the parking is not in compliance with Section 35-169 (Coastal Development Permits). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Subsection 35.36.100.K shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

a. Current registration or certificate of non-operation required. All vehicles parked on a lot outside of a fully enclosed or fully screened structure shall either:

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

b. Limitation on number.

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

- a) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

<u>Lot Area (net)</u>	<u>Maximum Allowed Number of Vehicles</u>	<u>Maximum Allowed Parking Area</u>
<u>Less than 10,000 sq. ft.</u>	<u>1</u>	<u>140 sq. ft.</u>
<u>10,000 sq. ft. to less than 20,000 sq. ft.</u>	<u>3</u>	<u>420 sq. ft.</u>
<u>20,000 sq. ft. or larger</u>	<u>5</u>	<u>700 sq. ft.</u>

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

c. Additional standards for inoperative motor vehicles. The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections 1.a and 1.b, above:

- 1) Vehicles shall not be parked on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
- 2) Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
- 3) Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
- 4) The parking of inoperative motor vehicles regulated under Sec. 35-144K. (Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Section.

- d. Modifications to standards allowed with a Minor Conditional Use Permit. Parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).**
- e. Noncompliance deemed a violation of this Development Code. As of [six months from the effective date of these regulations], the parking of motor vehicles that does not comply with the standards contained in Subsections 1.a through 1.c, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) as allowed by Subsection 1.d, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Section 35-185 (Enforcement, Legal Procedures, and Penalties).**

SECTION 5:

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

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

~~The storage of trailers designed for or capable of human habitation or occupancy shall be classified as an accessory use to a residential use only if the trailer does not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length and if the trailer is not used for human habitation or occupancy on the lot. All such trailers shall be screened from view from abutting streets. Said trailers may be stored on property without the requirement for a Coastal Development Permit if the trailer will: (1) not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on/within 50 feet of a coastal bluff; and (2) not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and (3) not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.~~

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

1. Trailers shall not be kept, parked or stored in:
 - a. Required front setback areas.
 - b. Parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
2. Trailers, including anything that is stored in or on the trailer, shall not exceed 8.5 feet in width, 13.5 feet in height (as measured from the surface upon which the vehicle stands to the top of the roof of the trailer), and 40 feet in length.
3. Trailers, including anything that is stored in or on the trailer, shall be screened from view from abutting streets.
4. The trailer shall not be used for human habitation while kept, parked or stored on the lot.
5. Trailers holding vehicles or used to store materials shall be in compliance with Section 35-144J (Accessory Storage).
6. The storage of a trailer does not require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) if the trailer will:
 - a. Not be located within or adjacent to a wetland, beach, an environmentally sensitive habitat area, or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing

areas and public roadways.

- d. Meets all other exemption criteria in compliance with Section 35-169.2.1.

SECTION 6:

~~DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 1.d of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:~~

~~d. The Director of the Planning and Development Department, or the decision maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through e. of this section, if the Director, or decision maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through e. of this section above, are met:~~

~~1) **Car washes.** Car washes, located on commercially zoned property lots, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.~~

~~2) **Charitable and other noncommercial functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided: The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards:~~

~~a) On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~

~~b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~

~~c) If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a reception facility is required in compliance with Section 35-137.3.3 of this Section and other applicable development standards of this Article.~~

~~d) The permit requirements and development standards of this Subsection d.2), do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~

~~3) **Charitable and other noncommercial functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300 The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards.~~

- a) ~~Use of the subject property for such activities does not exceed five times within the same calendar year.~~
 - b) ~~The number of persons present at the event at any one time does not exceed 300.~~
 - c) ~~If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a reception facility is required in compliance with Section 35-137.3.3 of this Section and other applicable development standards of this Article.~~
 - d) ~~The permit requirements and development standards of this Subsection d.2), do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~
- 4) ~~Public assembly facilities.~~ Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.
 - 5) ~~Public property.~~ Events held at a County park or on other County owned land when conducted with the approval of the County.
 - 6) ~~Similar temporary uses.~~ Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 7:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2.b of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:

- b. ~~Charitable and other noncommercial functions on property located outside the Montecito Planning Area.~~ The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where: The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where no owner or tenant of the lot on which the function occurs receives any remuneration associated with such use may be allowed in compliance with the following development standards:
 - 1) ~~The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - 2) ~~The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.~~
 - 3) ~~The permit requirements and development standards of this Subsection 3.b, do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.~~

SECTION 8:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3.b of Section 35-137.3, Processing, of Section 35-137, Temporary Uses, to read as follows:

- b. ~~Charitable functions on property located outside the Montecito Planning Area.~~ The use of property by the owner or tenant for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.

- ~~1) Tenant does not include transient occupancies where the rental of the lot is for a period of 30 days or less.~~

SECTION 6:

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

10. A residential second unit shall not be permitted on a lot in addition to:

- a) ~~a~~A guest house~~;~~
- b) ~~d~~Dwellings other than the principal dwelling that are determined to be nonconforming as to use~~;~~
- c) ~~a~~A farm employee dwelling unless the lot is zoned AG-I in which case the residential second unit may be permitted in addition to a farm employee dwelling.

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

SECTION 7:

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

Sec. 35-144I. Animal Keeping.

1. **Purpose and Intent.** This Section identifies zones that allow the keeping of household pets in addition to those zones where animal keeping is presently included. The intent of this Section is to ensure that the keeping of household pets does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, odor and noise), by providing standards for the keeping of household pets.
2. **Applicability.** This Section applies to the SR-M - Medium Density Student Residential (Section 35-76), SR-H - High Density Student Residential (Section 35-77), C-1 - Limited Commercial (Section 35-77A), C-2 - Retail Commercial (Section 35-78), C-V - Resort/Visitor Serving Commercial (Section 35-81), PI - Professional and Institutional (Section 35-83), REC - Recreation (Section 35-89), MHP - Mobile Home Park (Section 35-91), and M-CR - Coastal Related Industry (Section 35-92).
3. **Standards.** Household pets shall be kept in compliance with the following standards:
 - a) The keeping of household pets shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
 - b) There shall be no more than three dogs permitted on a single lot.
 - c) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - d) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - e) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
 - f) No rooster or peacock shall be kept or raised on the lot.
4. **Accessory structures.** Buildings, and structures accessory and customarily incidental to the keeping of household pets may be allowed in compliance with the standards of the applicable zone and this Article.

SECTION 8:

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

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

A. Purpose and Intent. This Section provides standards for the keeping and maintaining of exterior storage accessory to the principal structure located on the lot on which the storage occurs or use of the lot on which the storage occurs. The intent of this Section is to ensure that the keeping and maintaining of exterior storage does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).

B. Applicability. This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).

C. Standards for accessory storage of materials. Storage of materials accessory to the principal structure or use on the lot on which the storage is located is subject to the following standards. A Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) is not required to establish accessory storage except when 1) this Section requires a permit for a specific type of storage, or 2) the storage involves construction of a new structure or alteration of an existing structure that is not exempt from a Coastal Development Permit in compliance with Section 35-169.2 (Applicability), or 3) the accessory storage is not in compliance with Section 35-169.2 (Applicability). However, other permits may be required in compliance with Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code. Nothing in this Section shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services), Chapter 19 (Junk Yards and Dumps) and Chapter 23 (Motor Vehicles and Traffic) of the County Code.

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

a. The following storage of building materials and equipment used in a construction project is allowed on residentially zoned lots. Storage of building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations.

1) **Same or adjacent lot.** The storage of building materials and equipment used in a construction project on the same lot on which the construction is occurring or on a lot adjacent to the lot on which the construction is occurring provided:

a) There is a valid building permit or planning permit in effect for the construction project; and

b) When storage is proposed on a lot adjacent to the lot on which the construction is occurring, the planning permit application for the construction project shall also include the adjacent lot and shall describe the storage proposed to occur on the adjacent lot.

2) **Construction related to an approved Final Development Plan.** The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

b. The storage of building materials and equipment not allowed by Subsection C.1.a, above, or C.2, below, is considered a Contractor Equipment Storage Yard which is not allowed in residential zones.

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

fully enclosed or fully screened structure is subject to the following requirements.

a. Area occupied by stored materials.

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

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

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

b. Maximum height of stored materials: Five feet.

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

d. Location of storage. Storage of miscellaneous materials shall not be located within required front setback or side setback areas.

e. Modifications to standards allowed with a Minor Conditional Use Permit. The storage of miscellaneous materials that does not comply with the standards contained in Subsections a. through d. of Subsection C.2, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).

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

SECTION 9:

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

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

A. Purpose and Intent. This Section provides standards for the motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.. The intent of this Section is to ensure that motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. does not create an adverse impact(s) on adjacent properties (e.g., aesthetics, dust, fumes, insect infestations, odor and noise).

B. Applicability. This Section applies to lots zoned as residential as enumerated in Section 35-52.2 (Residential Districts).

C. Standards for motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Section) on a motor vehicle is allowed only in compliance with the following standards. This Section shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Section shall be construed as preventing

the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Sec. 35-144J (Accessory Storage of Materials), above, and shall not be located on parking spaces required in compliance with Section 35-108 (Required Number of Spaces: Residential).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.
5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections C.1 through C.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections C.1 through C.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35-108 (Required Number of Spaces: Residential) as allowed by Subsection C.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

SECTION 10:

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

- g. ~~Experimental~~ Alternative waste disposal systems ~~such as~~ that utilize mound or evapo-transpiration systems;

SECTION 11:

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

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

~~1920.~~ Any other information deemed necessary by the Director to address site-specific factors.

SECTION 12:

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

Section 35-170.11 Processing of Demolition and Reclamation Permit.

1. ~~The Planning and Development Department shall process applications for Demolition and Reclamation Permits through environmental review after determining such applications to be complete. After receipt of an application for a Final Development Plan, the Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.~~
2. The Planning and Development Department shall process ~~complete~~ applications for Demolition and Reclamation Permits independently of any other permit applications to develop the site in question except as required in compliance Subsection 35-170.10.19, above.
 - a. ~~However, A~~ Demolition and Reclamation Permits may be processed concurrently with development permits, provided that long delays in securing approval of development permits do not unduly hinder timely demolition of facilities and reclamation of host sites.
3. **Jurisdiction.** ~~The Planning and Development Department Director shall consider complete applications for Demolition and Reclamation Permits and shall approve, conditionally approve, or deny the application. Any denial shall be accompanied by an explanation of changes necessary to render approval of the application.~~
 - a. **Appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Zoning Administrator shall be the decision-maker for the Demolition and Reclamation Permit.
 - b. **Not appealable development.** When an application for a Demolition and Reclamation Permit is submitted for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), the Director shall be the decision-maker for the Demolition and Reclamation Permit.
4. **Notice, public hearing and decision.** ~~The Director's decision shall be transmitted by a public notice pursuant to applicable provisions of Section 35-181.~~
 - a. **Demolition and Reclamation Permits under the jurisdiction of the Director.** A public hearing shall not be required if the Director is the decision-maker for the Demolition and Reclamation Permit.
 - 1) Notice of the pending decision of the Director on the Demolition and Reclamation Permit shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 2) The Director may approve, conditionally approve, or deny the Demolition and Reclamation Permit. Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.
5. ~~3) The Director's decision may be appealed to the Planning Commission within 30 days of noticing such decision. The Director's decision shall be final upon conclusion with the 30-day appeal period if no appeals have been filed. All appeals shall follow procedures specified in Section 35-182. The action of the Director on the Demolition and Reclamation Permit is final subject to appeal in compliance with Section 35-182 (Appeals) except that the action may be appealed within the 30 calendar days immediately following the decision.~~
 - b. **Demolition and Reclamation Permits under the jurisdiction of the Zoning Administrator.** A

public hearing shall be required if the Zoning Administrator is the decision-maker for the Development Plan.

- 1) The Zoning Administrator shall hold at least one noticed public hearing on the requested Final Development Plan and approve, conditionally approve, or deny the request.
- 2) Notice of the hearing shall be given in compliance with Section 35-181 (Noticing).
- 3) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals). Any denial shall be accompanied by an explanation of project revisions required in order that the project may be approved.

65. Upon approval of the Demolition and Reclamation Permit or upon abandonment of operations, whichever occurs later, the Demolition and Reclamation Permit shall supersede any discretionary use permit issued for construction and operation of the facilities.

SECTION 13:

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

35-170.16 Post Approval Procedures.

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

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

and expiration dates as the original Demolition and Reclamation Permit.

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

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

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

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

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

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

c. Processing.

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

- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- d) **Action and appeal.**
 - i) The Zoning Administrator shall hold at least one noticed public hearing on the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

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

- i) That the findings required for approval of the Demolition and Reclamation Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Demolition and Reclamation Permit was initially approved are still applicable to

the project with the addition of the development proposed by the application for the Amendment.

ii) That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Demolition and Reclamation Permit.

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

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

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

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

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

d) Action and appeal.

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

ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

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

i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment.

ii) That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit or Final Development Plan.

f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.

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

1) Coastal Development Permit required. If the proposed development and/or use proposed to

be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.

a) Development that may be appealed to the Coastal Commission. A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

- i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- iii) Until all necessary prior approvals have been obtained.
- iv) Until the applicant has signed the Coastal Development Permit.
- v) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

b) Development that may not be appealed to the Coastal Commission. A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:

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

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

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

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

3. Revisions.

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

SECTION 14:

DIVISION 11, PERMIT PROCEDURES, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 3, Time limit, of Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

3. Time limit.

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

- 3) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Conditional Use Permit has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.

SECTION 15:

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

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

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

1. **Substantial Conformity.** The Director may approve a minor change to an approved Conditional Use Permit, if the Director first determines, in compliance with the County's Substantial Conformity Guidelines (see Appendix B), that the change is in substantial conformity with the approved Conditional Use Permit, pursuant to the County's Substantial Conformity Guidelines (see Appendix B).
 - a. **Contents of application.** An application for a Substantial Conformity Determination shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - ab. **Processing.** ~~No public noticing or public hearing shall be required for Substantial Conformity Determinations.~~
 - 1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.
 - 2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.
 - b 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.
- c. **Land Use Permit required prior to commencement of development and/or use authorized by the Substantial Conformity Determination.** ~~Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.~~
 - 1) ~~**Coastal Development Permit required.** If the development and/or use allowed by the Conditional Use is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal~~

~~Development Permit findings required in Section 35-169 (Coastal Development Permits); shall be made by the decision maker that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Conditional Use Permit~~

~~2) **Land Use Permit required.** If the development and/or use allowed by the Conditional Use Permit is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the approval of the Substantial Conformity Determination. Prior to the approval of such Land Use Permit, an additional finding in addition to the Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the decision maker that the development and/or use allowed by the Land Use Permit substantially conforms to the Conditional Use Permit.~~

~~1) **Findings.** The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit in compliance with Section 35-178 (Land Use Permits), that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Conditional Use Permit.~~

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

~~2. **Amendments.** Where a change to an approved Conditional Use Permit is not in substantial conformity with the approved permit, the Director, or in the case of a Revocation hearing the decision maker with jurisdiction over the project, may approve, or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Conditional Use Permit, providing: in compliance with the following Where the Director is unable to determine that a requested change to an approved Conditional Use Permit is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Conditional Use Permit in compliance with the following.~~

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

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

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

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

~~ab. **Area under review.** The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency as a part of the approved permit. location within the project site that is the subject of the application for the Amendment:~~

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

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

c. Processing.

- 1) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
- 2) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if the Director determines that the requirement is unnecessary.
- 3) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- 4) **Action and appeal.**
 - a) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - b) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - d) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).

b. 5) Findings. All of the following additional findings can be made:

- a) **Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
 - 1) (i) ~~In addition to the findings required for approval of a Conditional Use Permit set forth in this Section 35-172.8, the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved. That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.~~
That the findings required for approval of the Conditional Use Permit, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Conditional Use Permit was initially approved are still applicable to the project with the addition of the development proposed by the applications for the Amendment and the Coastal Development Permit.
 - 2) (ii) ~~The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project. That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.~~
The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project. That the environmental impacts related to the development proposed by the applications for the Amendment and the Coastal Development Permit are determined to be substantially the same or less than those identified during the processing of the previously approved Conditional Use Permit.
- b) **Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.

~~e. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However, notice shall be given at least 10 days prior to the date of the decision as provided in Section 35-181 (Noticing). The decision maker may approve, conditionally approve, or deny the Amendment.~~

d. Permit required prior to commencement of development. ~~Prior to commencement of the development and/or use authorized by the Amendment to the Conditional Use Permit, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit shall be required to allow the development and/or use authorized by the Amendment. in compliance with the following:~~

- 1) ~~**Coastal Development Permit required.** Prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit by the~~

~~Coastal Commission or the County in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment.~~

If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.

- a) A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - (a) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - (b) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - (c) Until all necessary prior approvals have been obtained.
 - (d) Until the applicant has signed the Coastal Development Permit.
 - (e) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

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

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

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

3. Revisions.

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

SECTION 16:

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

3. Time limit.

- a. **Preliminary Development Plans.** A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the ~~Director, Zoning Administrator, or Planning Commission~~ the decision-maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.
- b. ~~Except as provided in Section 35-174.9.3 below, Final Development Plans shall expire five years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.~~
- c. ~~In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire 10 years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan.~~
- d. ~~The limitation imposed by this section requiring time extensions to expire two years from the expiration date of the originally approved preliminary or final development plan shall not apply to applications for time extensions filed before July 18, 1996.~~

b. Final Development Plans.

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits and extensions shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the Comprehensive Plan maps, for lots with a base zone of AG-II and no designated Comprehensive Plan or zoning overlays, Final Development Plans for agricultural development shall expire 10 years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.
 - b) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection 3.b)1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural

developments shall expire five years after approval unless substantial physical construction has been completed on the development or a time extension is approved in compliance with Subsection b)3), below.

c) **Time extensions.** The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision-Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.

i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.

ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.

2) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Land Use Permit shall be issued within the time limit(s) established by the phasing plan.

a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).

b) If the required time limit(s) in which to obtain the Land Use Permit for the first phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

c) If the required time limit(s) in which to obtain the required Land Use Permit for any subsequent phase of the project authorized by the Final Development Plan has expired and an application to revise the phasing plan has not been submitted, then:

i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.

ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 2)c)i), above.

SECTION 17:

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

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

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

1. Substantial Conformity. ~~The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines~~ The Director may approve a minor change to an approved Final Development Plan if the Director first determines, in compliance with the County's

Substantial Conformity Determination Guidelines (see Appendix B), that the change is in substantial conformity with the approved permit.

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

ab. Processing. ~~No public noticing or public hearing shall be required for Substantial Conformity Determinations.~~

1) The Director shall review the application for the Substantial Conformity Determination for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on the application for the Substantial Conformity Determination.

2) Notice of the application or pending decision on a Substantial Conformity Determination is not required.

b 3) The action of the Director is final and not subject to appeal, including an appeal to the Coastal Commission.

c. **Land Use Permit required.** ~~Prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Substantial Conformity Determination.~~

1) ~~**Coastal Development Permit required.**~~

a) ~~**Appealable development.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.~~

b) ~~**Non-appealable development.** If the development and/or use allowed by the Final Development Plan is not appealable and where the County has previously issued a Coastal Development Permit, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Coastal Development Permit in compliance with Section 35-169.4.1 (Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Substantial Conformity Determination.~~

e) ~~**Findings.** Prior to the approval of such Coastal Development Permit, an additional finding in addition to Coastal Development Permit finding required in Section 35-169 (Coastal Development Permits), shall be made by the decision maker that the development and/or use allowed by the Coastal Development Permit substantially conforms to the Final Development Plan.~~

2) ~~**Land Use Permit required.** If the development and/or use allowed by the Final Development Plan is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is located within the retained permit jurisdiction of the Coastal Commission; or located in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then prior to commencement of the development and/or use authorized by the Substantial Conformity Determination, the approval of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be required subsequent to the~~

~~approval of the Substantial Conformity Determination. Prior to the approval of such Land Use Permit, an additional finding, in addition to Land Use Permit findings required in Section 35-178 (Land Use Permits), shall be made by the decision maker that the development and/or use allowed by the Land Use Permit substantially conforms to the Final Development Plan.~~

1) Findings. The Land Use Permit shall be approved only if the Director first finds, in addition to the findings normally required for a Land Use Permit approved in compliance with Section 35-178 (Land Use Permits) that the development and/or use authorized by the Substantial Conformity Determination substantially conforms to the previously approved Final Development Plan.

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

2. Amendments. ~~Where a Final Development Plan is not in substantial conformity with the approved plan the Director may approve, or conditionally approve an application to alter, add replace, relocate, or otherwise amend a Final Development Plan, providing: Where the Director is unable to determine that a requested change to an approved Final Development Plan is in substantial conformity with the approved permit in compliance with Subsection 1, above, the Director may instead amend a Final Development Plan in compliance with the following.~~

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

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

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

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

ab. Area under review. ~~The area of the proposed new development that is under review was 1) location within the project site that the subject of the application for the Amendment:~~

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

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

c. Processing.

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

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

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

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

d) Action and appeal.

- i) The Zoning Administrator shall hold at least one noticed public hearing the application for the Amendment and the application for the Coastal Development Permit and approve, conditionally approve, or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - iii) The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
- b. **e) Findings for the Amendment.** All of the following additional findings can be made The application for the Amendment shall be approved or conditionally approved only if the Zoning Administrator first makes all of the following findings:
- 1) (i) In addition to the findings required for approval of a Final Development Plan set forth in this Section 35-174.7, the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved. That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - 2) (ii) The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously approved project. That the environmental impacts related to the development proposed by the application for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.
- f) Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.2.
- ~~e. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least 10 days prior to the date of the Director's decision as provided in Section 35-181 (Noticing). The Director may approve, conditionally approve, or deny the Amendment.~~
- 2) Development that may not be appealed to the Coastal Commission.**
- a) The Department shall review the applications in compliance with the requirements of the California Environmental Quality Act.
 - b) The Department shall refer the applications to the Board of Architectural Review and the Subdivision/Development Review Committee for review and recommendations to the decision-maker. This requirement may be waived by the Director if determined to be unnecessary by the Director.
 - c) Notice shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - d) Action and appeal.**
 - i) The Director shall review the applications for the Amendment and for the Coastal Development Permit for compliance with the Comprehensive Plan, the Local Coastal Program including this Article, applicable community and area plans, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing shall not be required before the Director takes action on an application for an Amendment.

- ii) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e) **Findings for the Amendment.** The application for the Amendment shall be approved or conditionally approved only if the Director first makes all of the following additional findings:
 - i) That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the project with the addition of the development proposed by the application for the Amendment.
 - ii) That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.
 - f) **Findings for the Coastal Development Permit.** The application for the Coastal Development Permit shall be approved or conditionally approved only if the Zoning Administrator first makes all of the findings required in compliance with Subsection 35-169.5.1.
- d. **Permit required prior to commencement of development.** Prior to commencement of the development and/or use authorized by the Amendment, the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), as determined below, shall be required to allow the development and/or use authorized by the Amendment in compliance with the following.
- 1) **Coastal Development Permit required.** If the proposed development and/or use proposed to be allowed by the Amendment is not located within the retained permit jurisdiction of the Coastal Commission, or in areas where the County's Local Coastal Program has not been certified by the Coastal Commission, then the issuance of a Coastal Development Permit in compliance with the following is required.
 - a) **Appealable development Development that may be appealed to the Coastal Commission.** If the development and/or use allowed by the Final Development Plan is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then prior to commencement of the development and/or use authorized by the Amendment, the approval of a Coastal Development Permit in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals)) shall be required subsequent to the approval of the Amendment. A Coastal Development Permit approved in compliance with Subsection 2.c, above, shall not be issued and deemed effective:
 - i) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
 - ii) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
 - iii) Until all necessary prior approvals have been obtained.
 - iv) For applications for grading of individual building pads on lands located within the Summerland Community Plan area, until the structure that will utilize the building pad has received final Board of Architectural Review approval in compliance with Section 35-184 (Board of Architectural Review).
 - v) Until the applicant has signed the Coastal Development Permit.

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

3. Revisions.

- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings cannot be made in compliance with Section 35-174.10.2 for Amendments

and substantial conformity in compliance with Section 35-174.10.1 cannot be determined.

- b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan.

SECTION 18:

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

Section 35-178.6 Expiration.

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

SECTION 19:

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

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

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.5, Processing, of Section 35-179, Modifications, to read as follows:

Section 35-179.5 Processing.

1. ~~After acceptance of the Modification application, the Planning and Development Department shall process the project through environmental review~~ The Planning and Development Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
2. The project shall be subject to ~~Design Review in compliance with~~ the provisions of Section 35-184 (Board of Architectural Review), and shall be scheduled to be heard by the Board of Architectural Review for preliminary review and approval only, ~~prior to~~ before the project being heard by the Zoning Administrator
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification, unless waived in compliance with Subsection D.7, below, and either approve, conditionally approve, or

deny the request.

4. Notice of the ~~time and place of said hearing~~ shall be given and the hearing shall be conducted in compliance with in the manner prescribed in Section 35-181 (Noticing).
45. The ~~Zoning Administrator~~ decision-maker, in ~~granting said~~ approving the Modification, may require ~~such~~ conditions as deemed reasonable and necessary to ~~assure that~~ promote the intent and purpose of this Article and the public health, safety, and welfare ~~will be promoted~~.
56. The ~~decision action~~ of the ~~Zoning Administrator~~ decision-maker to ~~approve, conditionally approve or deny a Modification~~ is final subject to appeal in compliance with Section 35-182 (Appeals).
7. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director of the Planning and Development Department in compliance with the following requirements. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Modification application. A listing of Modification applications for which the public hearing may be waived shall be provided on the decision-maker hearing agendas.
 - a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Modification application.
 - b. A written request for public hearing is not received by the Planning and Development Department within the 15 working days immediately following the date the notice is provided in compliance with Subsection D.7.a, above.

SECTION 21:

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

SECTION 22:

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

SECTION 23:

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

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

AYES:
NOES:
ABSTAINED:
ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel