



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 10/20/2015
Placement: Set hearing
Estimated Tme: 30 minutes on 11/03/2015
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Assistant Director (805) 568-2086
SUBJECT: 2015 Housing Element Implementation Ordinance Amendments

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

On October 20, 2015, set a hearing for November 3, 2015 to consider the recommendations of the County and Montecito Planning Commissions to approve Case Nos. 15ORD-00000-00012, 15ORD-00000-00013 and 15ORD-00000-00014 which would amend, respectively, the County Land Use and Development Code, the Montecito Land Use and Development Code, and the Article II Coastal Zoning Ordinance, to revise existing procedures and regulations and add new procedures and regulations in order to implement certain programs contained in the 2015 - 2023 Housing Element Update as adopted by the Board of Supervisors on February 3, 2015.

On November 3, 2015, your Board's action should include the following:

a) Case No. 15ORD-00000-00012 (County LUDC Amendment):

- i) Make the findings for approval, including CEQA findings, of the proposed Ordinance;
- ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA; and,
- iii) Adopt an Ordinance (Case No. 15ORD-00000-00012) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code.

b) Case No. 15ORD-00000-00013 (Montecito LUDC Amendment):

- i) Make the findings for approval, including CEQA findings, of the proposed Ordinance;
- ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA;
- iii) Adopt an Ordinance (Case No. 15ORD-00000-00013) amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code.

c) Case No. 15ORD-00000-00014 (Article II Coastal Zoning Ordinance Amendment):

- i) Make the findings for approval, including CEQA findings, of the proposed Ordinance;
- ii) Determine that the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA; and,
- iii) Adopt an Ordinance (Case No. 15ORD-00000-00014) amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.

Summary Text:

1.0 General information.

State planning law requires that every city and county within California include a Housing Element within their Comprehensive or General Plan that contains housing goals, policies, and programs that promote the development of housing within that area's jurisdiction. Santa Barbara County's Housing Element includes an assessment of the County's current and projected housing needs and provides an inventory of sites available for housing construction. It also details market, governmental, and environmental barriers which constrain housing production, and identifies goals, programs and actions to overcome these barriers and enhance housing production consistent with the Comprehensive Plan and state housing element law. The 2015 - 2023 Housing Element Update as adopted by the Board of Supervisors on February 3, 2015 contains 45 separate programs that have varying timeframes for implementation. These proposed ordinance amendments revise existing procedures and regulations, and add new procedures and regulations, in order to implement the following programs contained in the 2015 - 2023 Housing Element Update:

- Program 1.10: State Density Bonus Law Consistency Amendments.
- Program 2.3: Farmworker Employee Housing Law Consistency Amendments.
- Program 2.5: Fair and Safe Special Needs Housing.
- Program 2.7: Definition of Family.

The proposed ordinances also make other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language, and, in regards to the amendments to the County Land Use and Development Code (County LUDC) and Montecito Land Use and Development Code (Montecito LUDC), delete language that only applies

within the Coastal Zone. These revisions, including the deletion of Coastal Zone language, are not discussed in this Board Agenda letter but are shown in the complete texts of the ordinance amendments that are contained in Attachment 3, Attachment 6, and Attachment 9. Proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates that sections where the text is unchanged and has been omitted for the sake of brevity.

The revisions to the County LUDC and the Montecito LUDC will take effect 30 days after the Board of Supervisors adopts the ordinances. Because the amendment to the Article II Coastal Zoning Ordinance (Article II) constitutes an amendment to the County’s certified Local Coastal Program, the revisions will take effect only after the Coastal Commission grants final certification to the amendment.

2.0 Proposed amendments.

The following table shows which of the proposed amendments amend the County LUDC, the Montecito LUDC, and/or Article II.

AMENDMENT TOPIC	APPLICABILITY		
	County LUDC	Montecito LUDC	Article II
Program 1.10: State Density Bonus Law Consistency Amendments			✓
Program 2.3: Farmworker Employee Housing Law Consistency Amendments	✓	✓	✓
Program 2.5: Fair and Safe Special Needs Housing	✓	✓	✓
Program 2.7: Definition of Family	✓	✓	✓

A summary of the proposed amendments and their purpose is provided below. The summary includes references to the sections within the actual ordinances where the specific text revisions may be found. The County LUDC, Montecito LUDC and Article II are collectively referred to in the following discussion as the “zoning ordinances;” however, if only the County LUDC or the Montecito LUDC or Article II is revised by the amendment then that document will be specifically identified.

2.1 Program 1.10: State Density Bonus Law Consistency Amendments (Article II - Attachment 9 SECTION 4).

This program requires the County to revise Article II to increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the California density bonus law which is intended to increase the economic feasibility of affordable housing developments for extremely low, very low, and low-income households. The proposed amendment implements this requirement by amending Section 35-144C (Density Bonus for Affordable Housing Project) of Article II to increase the allowable density bonus housing unit percentage increase as specified above. The proposed amendment also revises the whole of existing Section 35-144C so that it reads more like the County and Montecito LUDCs.

2.2 Program 2.3: Farmworker Employee Housing Law Consistency Amendments (County LUDC - Attachment 3 SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 20; Montecito LUDC - Attachment 6 SECTIONS 2, 3, 4, 5, 7 and 14; Article II - Attachment 9 SECTIONS 3 and 5).

This program requires that the County revise the zoning ordinances to be consistent with the California Health and Safety Code (HSC) regarding the permitting and development of

farmworker housing that is regulated by the State. The proposed procedures regarding state-regulated farmworker housing only apply to this type of housing and do not affect the existing County zoning procedures regarding the permitting of agricultural employee housing.

The California legislature, having determined that the availability of farmworker housing is of vital statewide importance, adopted the Employee Housing Act (the Act) in 1979 to promote the development of farmworker housing. The Act is codified in Sections 17000 through 17062.5 of the HSC.

HSC Section 17021 generally provides that local zoning codes, local fire codes, and regulations regarding the source of water supply and method of sewage disposal still apply to the development of farmworker housing under the provisions of the Act. However:

- Section 17021.5 requires that farmworker housing licensed by the California Department of Housing and Community Development (HCD) that provides accommodations for six or fewer employees shall be deemed a single family structure, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of a family dwelling in the same zone.
- Section 17021.6 requires that farmworker housing licensed by HCD that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural use, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of any other agricultural activity in the same zone.

HSC Section 17008 provides that licensed employee housing may include “any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations.”

Even though the Act was adopted in 1979, there has only been one instance since that time where an applicant seeking to construct State-licensed farmworker housing has asserted that the County zoning regulations were preempted by State law

The proposed amendments implement this Housing Element program. Please refer to page 4 of Attachment 13 (County Planning Commission Staff Report) for a more detailed discussion of this subject.

2.3 Program 2.5: Fair and Safe Special Needs Housing (County LUDC - Attachment 3 SECTIONS 12, 14, 18, 19 and 20; Montecito LUDC - Attachment 6 SECTIONS 6, 8, 12, 13 and 14; Article II - Attachment 9 SECTIONS 1, 3 and 6).

This program requires the County, in compliance with Government Code Section 65583(c)(3), to revise its zoning ordinances to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families. The proposed amendments implement this program by creating a process whereby either individuals with disabilities or other applicants seeking to build accessible housing may request a reasonable accommodation from the strict application of zoning requirements in order to provide individuals with disabilities an equal opportunity to the housing of their choice.

The proposed amendments implement this Housing Element program. Please refer to page 10 of

Attachment 13 (County Planning Commission Staff Report) for a more detailed discussion of this subject.

2.4 Program 2.7: Definition of Family (County LUDC - Attachment 3 SECTION 19; Montecito LUDC - Attachment 6 SECTION 13; Article II - Attachment 9 SECTION 2).

This program requires the County to revise the definition of “family” contained in the zoning ordinances in order to clarify that the use of a single-family dwelling by people living in a group home such as a special care home or supportive or transition housing, as provided in state housing laws is also allowed by the zoning ordinances. The proposed amendments implement this Housing Element program.

3.0 Planning Commission Review.

3.1 Montecito Planning Commission. The Montecito Planning Commission reviewed these amendments at their August 19, 2015 hearing, and, by a unanimous vote, adopted Resolution No. 15-13 (Attachment 11) recommending that your Board adopt the amendments to the Montecito LUDC.

3.2 County Planning Commission. The County Planning Commission reviewed these amendments at their September 2, 2015 hearing, and, by a unanimous vote, adopted Resolution Nos. 15-15 and 15-16 (Attachments 10 and 12) recommending that your Board adopt the amendments to the County LUDC and Article II.

4.0 Environmental Review:

The County and Montecito Planning Commissions recommended that your Board determine that the proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), and, for the amendment to the Coastal Zoning Ordinance, CEQA Guidelines Section 15265. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. Section 15265, the exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission. See attached Notices of Exemption (Attachments 2, 5 and 8

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-287 of the adopted Planning and Development Department's budget for fiscal years 2015 - 2017. There are no facilities impacts at this time. Any future facilities impacts would be addressed during the review of individual projects that may result from these ordinance amendments.

Special Instructions:

- A. The Planning and Development Department will satisfy all noticing requirements.
- B. The Clerk of the Board will provide copies of the Minute Order and signed Ordinances to the Planning and Development Department, attention Noel Langle, Senior Planner.

Attachments:

1. County LUDC Findings
2. County LUDC CEQA Notice of Exemption
3. County LUDC Ordinance Amendment
4. Montecito LUDC Findings
5. Montecito LUDC CEQA Notice of Exemption
6. Montecito LUDC Ordinance Amendment
7. Article II CZO Findings
8. Article II CZO CEQA Notice of Exemption
9. Article II CZO Ordinance Amendment
10. Resolution 15-15 County LUDC
11. Resolution 15-13 Montecito LUDC
12. Resolution 15-16 Article II CZO
13. County Planning Commission Staff Report (w/o attachments)
14. Montecito Planning Commission Staff Report (w/o attachments)

Authored by:

Noel Langle, Planner (805-568-2067)

ATTACHMENT 1: COUNTY LUDC FINDINGS

CASE NO. 15ORD-00000-00012

County Land Use and Development Code Ordinance Amendment

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed amendments to the County Land Use and Development Code (Case No. 15ORD-00000-00012, are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the CEQA. Please see Attachment 2, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara County Land Use and Development Code (County LUDC), the following findings shall be made by the Board of Supervisors in order to adopt an amendment to the County LUDC:

2.1 **The request is in the interests of the general community welfare.**

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will revise the County LUDC to implement certain programs of the County Housing Element of the Comprehensive Plan and to be consistent with State regulations regarding:

- Permitting of state-licensed farmworker housing.
- Providing a reasonable accommodations procedure to give individuals with disabilities an equal opportunity to occupy the housing of their choice.
- Accommodating individuals that occupy group housing situations within the definition of family.

2.2 **The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the County Land Use and Development Code.**

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by revising the County LUDC to be consistent with State regulations and provide a clear and efficient permit processes that will benefit the public. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance amendment is also consistent with the remaining portions of the County LUDC that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan including the including the Community and Area Plans, the requirements of State Planning and Zoning Laws, and the County LUDC.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the County LUDC to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Community and Area Plans, and the County LUDC.

ATTACHMENT 2: COUNTY LUDC CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior Planner
Planning and Development Department

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

APN(s): Not applicable.

Case No.: 15ORD-00000-00012 County Land Use and Development Code

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located outside the Coastal Zone and the Montecito Community Plan Area.

Project Title: 2015 Housing Element Implementation Ordinance Amendments.

Project Description: 15ORD-00000-00012 proposes to amend Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, regarding:

- **Permitting of state-licensed farmworker housing:** The amendment revises the County LUDC to be in compliance with the California Health and Safety Code (HSC), specifically Sections 17021.5 and 17021.6, that requires local jurisdictions to permit farmworker housing consistent with permit requirements for single-family dwellings and agricultural uses, as applicable.
- **Providing a reasonable accommodations procedure for individuals with disabilities:** The amendment revises the County LUDC to be in compliance with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families.
- **Clarifying that persons that occupy group housing situations meet the definition of family:** The amendment revises the County LUDC to clarify that the use of a single-family dwelling by people living in a group home such as supportive or transition housing, as allowed by state housing laws is consistent with the definition of family.

Exempt Status: (Check one)

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

Cite specific CEQA Guideline Section: Section 15061(b)(3) - No possibility of significant effect.

Reasons to support exemption findings:

The amendments clarify and revise existing regulations and permit procedures to comply with State law and make minor text clarifications which would not result in any modifications to resource protection policies.

Farmworker housing: Although the proposed additions to the County LUDC add new allowed uses and permit requirement for farmworker housing within certain zones, these amendments reflect the existing setting since they implement the requirements of California Health and Safety Code (HSC) Sections 17021.5 and 17021.6. By law, should an applicant request a zoning approval from the County based on either Sections 17021.5 or 17021.6, the County must issue the applicable permit for development provided the requirements of State law are satisfied. Also, the proposed amendment regulates the type of dwelling that is allowed within farmworker housing complexes based on the zone to increase the compatibility of the farm employee housing with existing residential development. Lastly, in order to approve a permit to allow the development of farmworker housing the review authority must first find that the request is consistent with the goals and policies of the Comprehensive Plan including the Community and Area Plans, including the environmental resource protection policies.

Reasonable accommodation: The amendment revises the County LUDC to comply with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to individuals with disabilities and their families to use and enjoy housing. Typical accommodations include:

- Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
- Adjustments to requirements for buffers, fences, walls and screening requirements.
- Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.

The proposed revisions include the requirement that in order for a review authority to approve a request for reasonable accommodation they must first find that:

- That the request is consistent with the goals and policies of the Comprehensive Plan including the Community and Area Plans, including the environmental resource protection policies.
- Any adverse impact that could result from the accommodation is minimized to the extent feasible.

Definition of family: The term “family” is currently defined as “One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.” The Planning and Development Department has always interpreted this to include (1) the residents of group quarters that provides housing for residents with similar disabilities, and (2) the residents and operators of state-licensed residential care facilities that serve six or fewer clients as a family dwelling in compliance with State law. The proposed amendment modifies the definition by:

- Revising the definition to specify that the residents living as a housekeeping unit that is not operated for profit are considered a family;
- Deleting references to group use from examples of residential uses that do qualify under

the definition of family; and,

- Specifically including the residents and operator of a residential care facility licensed by the State that serves six or fewer clients.

Therefore, no significant environmental impacts would occur as a result of these ordinance revisions.

Department/Division Representative

Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

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

Distribution: (for posting six days prior to action, and posting original after project approval)
Hearing Support Staff
15ORD-00000-00012 file

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ATTACHMENT 3: COUNTY LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARM EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00012

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35. 21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
CUP	Conditional Use Permit required				
S	Permit determined by Specific Use Regulations				
—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	
RESIDENTIAL USES					
Agricultural employee housing, 4 or fewer employees	P	MCUP	P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
<u>Farmworker dwelling unit</u>	<u>P</u>		<u>P</u>		35.42.135
<u>Farmworker housing complex</u>	<u>P</u>		<u>CUP</u>		35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Residential agricultural unit, attached (4)	—	—	P	—	35.42.210
Residential agricultural unit, detached and clustered (4)	—	—	P	—	35.42.210
Residential agricultural unit, remotely sited	—	—	MCUP	—	35.42.210
Residential second unit - attached (4)	P	P	—	—	35.42.230
Residential second unit - detached (4)	P	MCUP	—	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

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

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	MCUP	—	—	—	—	35.42.030
Artist studio	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.150
Dwelling, one-family	P	P	P	P	P	
<u>Farmworker dwelling unit</u>	<u>P</u>	<u>P</u>		<u>P</u>		35.42.135
<u>Farmworker housing complex</u>	<u>MCUP</u>	<u>MCUP</u>		<u>CUP</u>		35.42.135
Guesthouse	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	35.42.190
Monastery	CUP	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

MT-GOL	Mountainous - Goleta	RMZ	Resource Management
MT-TORO	Mountainous - Toro Canyon	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

RESIDENTIAL USES

Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	<u>P</u>		<u>P</u>		<u>P</u>		35.42.135
Farmworker housing complex	<u>CUP</u>		<u>MCUP</u>		<u>MCUP</u>		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Residential second unit	P	P	P	P	P	P	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

LAND USE (1)	PERMIT REQUIRED BY ZONE							Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	PRD CZ	
RESIDENTIAL USES								
Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P	
Dwelling, two-family	P	P	P	P	—	P	P	
Dwelling, multiple	—	—	P	P	ZC	P	P	
Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	<u>P</u>		<u>P</u>		<u>—</u>	<u>P</u>		35.42.135
Farmworker housing complex	<u>MCUP</u>		<u>P</u>		<u>—</u>	<u>—</u>		35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Residential second unit	—	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-9, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	
Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones							
	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
RESIDENTIAL USES							
Dwelling, one-family	P(3)	P	P	—	—	—	
Dwelling, two-family	—	P	P	—	—	—	
Dwelling, multiple	—	P	P	—	—	—	
Emergency shelter	—	—	P	—	—	—	
Farmworker dwelling unit	P	—	—	—	—	—	35.42.135
Farmworker housing complex	—	—	—	—	—	—	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	
Home occupation	P	P	P	—	—	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	—	—	—	P	P	P(5)	
Modular home	—	—	—	—	—	P	
Monastery	CUP	—	—	CUP	—	CUP	
Organizational house (sorority, monastery, etc.)	—	—	P	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	P	P	—	35.42.220
Residential second unit	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See [Section 35.23.080 \(Mobile Home Park zone standards\)](#).
- (5) Mobile home must be on a permanent foundation, see [Section 35.42.205](#)

SECTION 6:

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

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	—	—	—	—	
Dwelling, one-family	—	P (4)	P (4)	—	—	
Emergency shelter	—	—	—	MCUP	MCUP	
<u>Farmworker dwelling unit</u>	<u>MCUP</u>	<u>P</u>		<u>MCUP</u>		35.42.135
<u>Farmworker housing complex</u>	<u>—</u>	<u>—</u>		<u>—</u>		35.42.135
Mixed use project residential component	MCUP	P	P	MCUP	MCUP	35.42.200
Monastery	CUP	CUP	—	CUP	—	
Residential accessory use or structure	MCUP	P	P	MCUP	MCUP	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	P	
Single room occupancy facility (SRO)	—	—	—	P	MCUP	
Special care home, 6 or fewer clients	MCUP	P (4)	P (4)	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size

SECTION 7:

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

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

RESIDENTIAL USES

Caretaker/Manager dwelling	—	MCUP	P	—	35.42.080
Dwelling, one-family	—	—	—	P	
Dwelling, two-family	—	—	—	P	
Dwelling, multiple	—	—	—	P	
Emergency shelter	P	P	—	MCUP	
Farmworker dwelling unit	MCUP	—	—	P	35.42.135
Farmworker housing complex	—	—	(4)	—	35.42.135
Mixed use project residential component	MCUP	—	—	P	35.42.200
Monastery	CUP	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	P	P	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	
Single room occupancy facility (SRO)	P	—	P	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	P	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone symbols

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

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

SECTION 8:

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

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

RESIDENTIAL USES

Caretaker/Manager dwelling	MCUP	—	—	—	—	35.42.080
Dwelling, one-family	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	MCUP	—	—	MCUP	—	35.42.135
Farmworker housing complex	—	—	—	—	—	35.42.135
Mixed use project residential component	—	MCUP	—	MCUP	MCUP	35.42.200
Monastery	CUP	—	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	—	MCUP	MCUP	
Residential use existing as of July 19, 1982	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

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

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-22, Allowed Land Uses and Permit Requirements for Industrial Zones, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to read as follows:

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed						
	PERMIT REQUIRED BY ZONE						
LAND USE (1)	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ

RESIDENTIAL USES

Emergency shelter	P	P	P	—	—	—	—	
Employee residence (3)	—	—	—	—	CUP	CUP	CUP	
<u>Farmworker dwelling unit</u>	=		=	=	=			35.42.135
<u>Farmworker housing complex</u>	P		P	(4)	P			35.42.135
Monastery	CUP	—	CUP	CUP	CUP	—	—	
Special care home	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.25.030.D](#) (Development Plan approval required).
- (3) Dwellings maybe allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-24, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	P	—	—	—	—	
Dwelling, one-family	—	P (3)	P (3)	P (3)(4)	P (3)(4)	
Dwelling, two-family	—	—	P (4)	P (4)	P (4)	
Dwelling, multiple	P	—	P (4)	P (4)	P (4)	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	35.42.135
Farmworker housing complex	—	<u>P</u>	<u>P</u>	<u>—</u>	<u>—</u>	35.42.135
Guest house or artist studio	—	P	—	—	—	35.42.160
Home occupation	P	P	P (4)	P (4)	P (4)	35.42.190
Live/work unit	P	—	—	—	—	35.26.050
Mixed use development, residential component	P	—	—	—	—	35.26.050
Mobile home park	—	—	—	—	—	35.42.180
Monastery	—	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4)	P (4)	P (4)	35.42.020
Residential project convenience facility	P	—	P (4)	—	—	35.42.220
Residential second unit	—	CUP (5)	P (6)	P (4)(6)	P (4)(6)	35.42.230
Single room occupancy facility (SRO)	—	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

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

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-25, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

RESIDENTIAL USES

Caretaker/manager dwelling	—	—	MCUP	MCUP	—	
Dwelling, one-family	—	—	—	—	—	
Dwelling, two-family	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	—	—	—	—	35.42.135
Farmworker housing complex	P	—	—	—	—	35.42.135
Home occupation	—	—	—	—	—	
Mobile home park	—	—	—	—	—	
Monastery	—	—	—	CUP	CUP	
Residential accessory use or structure	—	—	—	—	—	
Residential project convenience facility	—	—	—	—	—	
Residential second unit	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 7 or more clients	—	—	—	MCUP	MCUP	35.42.090

Key to Zone symbols

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

Notes:

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

SECTION 12:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.37 titled “Reasonable Accommodation” to read as follows:

Chapter 35.37 - Reasonable Accommodation

Sections:

[35.37.010 - Purpose](#)

[35.37.020 - Applicability](#)

[35.37.030 - Notice of Availability of Accommodation Process](#)

[35.37.040 - Contents of Application](#)

[35.37.050 - Processing](#)

[35.37.060 - Findings Required for Approval](#)

35.37.070 - Effect of an approved Reasonable Accommodation on other project applications

35.37.010 - Purpose

- A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.37.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.37.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.37.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - 1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - 2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
- B. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
 - 1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 - 2. The regulation or procedure from which accommodation is being requested.

3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

35.37.050 - Processing

A. Review authority and processing procedures.

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - d. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Section 35.37.060 (Findings Required for Approval) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with Section 35.82.130 (Modifications) or Variance in compliance with Section 35.82.200 (Variances) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with Section 35.37.060 (Findings Required for Approval).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

35.37.060 - Findings Required for Approval

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

A. The project that is the subject of the request for reasonable accommodation:

1. Conforms to the applicable provisions of the Comprehensive Plan including applicable community and area plans.
2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.

B. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.

C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.

D. The accommodation will not impose an undue financial or administrative burden on the County and the community.

E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.

F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.

G. Any adverse impact that results from the accommodation is minimized to the extent feasible.

H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.

I. The project that is the subject of the request for reasonable accommodation:

1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.

4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.37.070 - Effect of an approved reasonable accommodation on other project applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35.82.070 (Design Review), then any approval or conditional approval of the project by the Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 13:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.42, Standards for Specific Land Uses, to add a new Section 35.42.135 titled "Farmworker Housing" and to read as follows:

Section 35.42.135 - Farmworker Housing

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.110.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.21 (Agricultural Zones), Chapter 35.22 (Resource Protection Zones), Chapter 35.23 (Residential Zones), Chapter 35.24 (Commercial Zones), Chapter 35.25 (Industrial Zones), and Chapter 35.26 (Special Purpose Zones).
- C. Farmworker housing requirements.**
 1. **State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
 3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is

intended to be permanent (i.e., permanent employee housing).

5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. **Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Article 35.2 (Zones and Allowable Land Uses).
 - a. **Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.
 - b. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-GOL, MT-TORO and RMZ zones.
 - c. **Residential zones.**
 - (1) **RR, R-1/E-1, R-2 and EX-1 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RR, R-1/E-1, R-2 and EX-1 zones.
 - (2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.23.030 (Residential Zones Allowable Land Uses):
 - (a) Dwelling, multiple.
 - (b) A two-family dwelling.
 - (c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*
 - (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).
 - d. **Commercial zones.** The following housing types may be permitted as a farmworker housing complex in the CH zone:
 - (1) **Adjacent lot zoned agriculture.** All housing types allowed in compliance with

California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.

(2) Adjacent lot zoned residential. The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.

(a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*

(b) Farmworker housing complexes other than those housing types listed in Subsection D.1.d(2)(a), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

e. Industrial zones.

(1) M-RP, M-1 and M-CR zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-RP, M-1 and M-CR zones.

(2) M-2 zone. Housing types allowed on an adjacent lot zoned agricultural or residential may be permitted in the M-2 zone.

f. Special Purpose zones. The following housing types may be permitted as a farmworker housing complex in the NTS, OT-R and PU zones zone in compliance with the required permit(s) as specified in Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) in Section 35.26.030 (Special Purpose Zones Allowable Land Uses):

(1) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.* in the NTS, OT-R and PU zones.

(2) Farmworker housing complexes other than those housing types listed in Subsection D.1.f.(1), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.

a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.

b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-5 (Residential Parking Standards).

c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.

d. Parking requirements for employees as listed in Table 3-5 (Residential Parking Standards) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35.42.135 (Farmworker Housing) and all other applicable sections of the Development Code;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Section 35.42.135.C.6; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.108 (Enforcement and Penalties).

SECTION 14:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 8-1, Review Authority of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Reasonable Accommodation	See Chapter 35.37 (Reasonable Accommodation) for applicable Review Authority			
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (3) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150 (Overall Sign Plans)			
Reclamation and Surface Mining Permits (5)			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming		Appeal	Appeal

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
	and Address Numbering			
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision (6)	Appeal
Variations		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

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

SECTION 15:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection A, Who may appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

A. Who may appeal. An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

~~1. Appeals by members of the Coastal Commission. Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:~~

- ~~a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.102.060.D. (Decisions appealed to the Coastal Commission) below.~~
- ~~b. The final approval of projects under the jurisdiction of the Director, Commission, or Zoning Administrator.~~
- ~~e. Decisions of the Board of Architectural Review.~~

SECTION 16:

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

County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator, of Subsection B, Timing and form of appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

1. Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator.

a. Filing of the appeal. An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Commission, or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as follows or as otherwise provided in this Development Code:

- (1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35.56.070 \(Decision on Application to Defer Abandonment\)](#).
- (2) Except as otherwise provided in this Development Code.

SECTION 17:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Director decisions, of Subsection A, Decisions appealed to the Commission, of Section 35.102.040, Appeals to the Commission, of Chapter 35.102, Appeals, to read as follows:

3. Director decisions. The following decisions of the Director may be appealed to the Commission:

- a. Any determination on the meaning or applicability of the provisions of this Development Code.
- b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
- c. Any decision of the Director to revoke an approved or issued ~~Coastal Development Permit or~~ Land Use Permit.
- d. Any decision of the Director to approve, conditionally approve or deny an application for a ~~Coastal Development Permit or~~ Land Use Permit except as follows:
 - (1) Land Use Permits approved in compliance with [Section 35.42.260 \(Temporary Uses and Trailers\)](#) not including Subsection 35.42.260.G (Trailer Use).
- e. Any decision of the Director to revoke an issued Zoning Clearance.
- f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
- h. Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.
- i. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

SECTION 18:

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

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

35.106.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.37 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.82.070 (Design Review), Emergency Permits processed in compliance with Section 35.82.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.82.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.82.210 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.

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

Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.

- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 19:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to amend the existing definition of "Applicant" and "Family" to read as follows:

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; ~~or~~
3. Presents written authorization from the property owner to file an application with the County; ;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar dwelling for group use structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 20:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add the following new definitions of "Farm Employee Dwelling," "Farmworker Housing," "Individual With a Disability," "Reasonable Accommodation" and "Request for Reasonable Accommodation" to read as follows:

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.42.135 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.

b. Farmworker housing complex. Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.

3. Permanent employee housing. Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).

4. Seasonal employee housing. Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).

5. Temporary employee housing. A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 21:

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

SECTION 22:

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

SECTION 23:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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ATTACHMENT 4: MONTECITO LUDC FINDINGS

CASE NO. 15ORD-00000-00013

Montecito Land Use and Development Code Ordinance Amendment

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed project, 15ORD-00000-00013, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 5, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), the Board of Supervisors shall make the following findings in order to adopt an amendment to the Montecito LUDC:

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

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will revise the Montecito LUDC to implement certain programs of the County Housing Element of the Comprehensive Plan and to be consistent with State regulations regarding:

- Permitting of state-licensed farmworker housing.
- Providing a reasonable accommodations procedure to give individuals with disabilities an equal opportunity to occupy the housing of their choice.
- Accommodating individuals that occupy group housing situations within the definition of family.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Montecito Land Use and Development Code.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by revising the Montecito LUDC to be consistent with State regulations and provide a clear and efficient permit processes that will benefit the public. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito LUDC that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito Land Use and Development Code.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the Montecito LUDC to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC.

ATTACHMENT 5: MONTECITO LUDC CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Senior Planner
Planning and Development Department

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

APN(s): Not applicable.

Case No.: 15ORD-00000-00013

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan Area not including the Coastal Zone.

Project Title: 2015 Housing Element Implementation Ordinance Amendments.

Project Description: 15ORD-00000-00013 proposes to amend Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.7, Montecito Planning Permit Procedures, Division 35.9, Montecito Land Use and Development Code Administration, and Division 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, regarding:

- **Permitting of state-licensed farmworker housing:** The amendment revises the Montecito LUDC to be compliant with the California Health and Safety Code (HSC), specifically Sections 17021.5 and 17021.6, that requires local jurisdictions to permit farmworker housing consistent with permit requirements for single-family dwellings and agricultural uses, as applicable.
- **Providing a reasonable accommodations procedure for individuals with disabilities:** The amendment revises the Montecito LUDC to be compliant with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families.
- **Clarifying that persons that occupy group housing situations meet the definition of family:** The amendment revises the Montecito LUDC to clarify that the use of a single-family dwelling by people living in a group home such as supportive or transition housing, or in an agricultural employee dwelling, as allowed by state housing laws is consistent with the definition of family.

Exempt Status: (Check one)

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

Cite specific CEQA Guideline Section: Section 15061(b)(3) - No possibility of significant effect.

Reasons to support exemption findings:

The amendments will clarify and revise existing regulations and permit procedures to comply with State law and make minor text clarifications which would not result in any modifications to resource protection policies.

Farmworker housing: Although the proposed additions to the Montecito LUDC add new allowed uses and permit requirement for farmworker housing within certain zones, these amendments reflect the existing setting since they implement the requirements of California Health and Safety Code (HSC) Sections 17021.5 and 17021.6. By law, should an applicant request a zoning approval from the County based on either Sections 17021.5 or 17021.6, the County must issue the applicable permit for development provided the requirements of State law are satisfied. Also, the proposed amendment regulates the type of dwelling that is allowed within farmworker housing complexes based on the zone to increase the compatibility of the farm employee housing with existing residential development. Lastly, in order to approve a permit to allow the development of farmworker housing the review authority must first find that the request is consistent with the goals and policies of the Comprehensive Plan including the Montecito Community Plan, including the environmental resource protection policies.

Reasonable accommodation: The amendment revises the Montecito LUDC to comply with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to individuals with disabilities and their families to use and enjoy housing. Typical accommodations include:

- Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
- Adjustments to requirements for buffers, fences, walls and screening requirements.
- Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.

The proposed revisions include the requirement that in order for a review authority to approve a request for reasonable accommodation they must first find that:

- That the request is consistent with the goals and policies of the Comprehensive Plan including the Montecito Community Plan, including the environmental resource protection policies.
- Any adverse impact that could result from the accommodation is minimized to the extent feasible.

Definition of family: The term “family” is currently defined as “One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.” The Planning and Development Department has always interpreted this to include (1) the residents of group quarters that provides housing for residents with similar disabilities, and (2) the residents and operators of state-licensed residential care facilities that serve six or fewer clients as a family dwelling in compliance with State law. The proposed amendment modifies the definition by:

- Revising the definition to specify that the residents living as a housekeeping unit that is not operated for profit are considered a family;
- Deleting references to group use from examples of residential uses that do qualify under

the definition of family; and,

- Specifically including the residents and operator of a residential care facility licensed by the State that serves six or fewer clients.

Therefore, no significant environmental impacts would occur as a result of these ordinance revisions.

Department/Division Representative

Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

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

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

Hearing Support Staff
15ORD-00000-00013 file

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ATTACHMENT 6: MONTECITO LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARM EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00013

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Chapter 35.421, Agricultural Zone, in its entirety, and to reserve the chapter number for future use.

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use or Coastal Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	RMZ	Specific Use Regulations
RESIDENTIAL USES		
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
Farmworker dwelling unit	P	35.442.105
Farmworker housing complex	CUP	35.442.105
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070

Key to Zone Symbols

RMZ	Resource Management
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Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
S	Permit determined by Specific Use Regulations				
—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	P	P	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	CUP	CUP	35.442.110
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community center	P	P	P	P	
Conference center	—	CUP	—	—	35.442.080
Country club, swim and tennis club	CUP	CUP	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playgrounds - Commercial	—	—	—	—	
Park, playgrounds - Private	—	—	—	—	
Park, playground - Public	P	P	P	P	
Private residential recreation facility	—	—	—	—	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	
RESIDENTIAL					
Artist studio	P	P	—	—	35.442.120
Dwelling, one-family (3)	P	P	P	P	35.442.140
Dwelling, two-family	—	—	P	P	
Dwelling, multiple	—	—	—	—	
Farmworker dwelling unit	<u>P (3)</u>		<u>P (3)</u>		35.442.105
Farmworker housing complex	<u>CUP</u>		<u>CUP</u>		35.442.105
Guesthouse	P	P	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	—	—	
Residential second unit	P	P	—	—	35.442.160
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E		P		CUP	S	—
	Allowed use, no permit required (Exempt)		Permitted use, Land Use or Coastal Permit required (2)				
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations		
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ			
SERVICES							
Cemetery	—	CUP	—	—			
Large family day care home	P	P	P	P			35.442.070
Small family day care home	E	E	E	E			35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP			35.442.070
Child care center, Non-residential, accessory	—	—	—	—			35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP			35.442.070
Mausoleum	—	CUP	—	—			
Medical services - Clinic	—	—	—	—			
Medical services - Extended care	CUP	CUP	CUP	CUP			
Medical services - Hospital	CUP	CUP	CUP	CUP			
Mortuary	—	—	—	—			
Mortuary, accessory to cemetery	—	CUP	—	—			

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP(5)	CUP	CUP(5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public safety facility (7 6)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP(8)	CUP	CUP(8)	
Water well, agricultural	E	P	E	P	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) ~~Not allowed in the VC overlay.~~
- (6 5) Not applicable to facilities constructed by the County outside of the Coastal Zone.
- (7 6) May include paramedic services associated with a fire station.
- (8) ~~Limited to a maximum of 199 connections.~~

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	P (3)	—	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	P	—	—	
Conference center	—	—	—	—	
Country club, swim and tennis club	—	—	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Golf driving range	—	—	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Parks, playgrounds - Commercial	—	—	—	—	
Parks, playgrounds - Private	—	—	—	—	
Parks, playground - Public	P	P	—	—	
Private residential recreation facility	P	P	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

RESIDENTIAL					
Artist studio	—	—	—	—	
Dwelling, one-family	P	P	P	P	
Dwelling, two-family	P	P	P	P	
Dwelling, multiple	P	P	P	P	
Farmworker dwelling unit	P		P		35.442.105
Farmworker housing complex	P		—		35.442.105
Guesthouse	—	—	—	—	
Home occupation	P	P	P	P	35.442.130
Mobile home parks	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	CUP	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	P	P	P	P	
Residential second unit	—	—	—	—	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

SERVICES					
Cemetery	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public safety facility (7 6)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	—	—	—	—	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

- Notes:**
- (1) See Division 35.10 (Glossary) for land use definitions.
 - (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
 - (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
 - (4) Does not include electrical transmission lines outside the jurisdiction of the County.
 - (5) ~~Not allowed in the VC overlay.~~
 - (6 5) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~
 - (7 6) May include paramedic services associated with a fire station.
 - (8) ~~Limited to a maximum of 199 connections.~~

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-12, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

AGRICULTURAL, MINING & ENERGY FACILITIES

Animal keeping	S	S	S	S	35.442.040
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RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Campground	—	—	—	CUP	
Conference center	—	—	—	P	35.442.080
County club, swim and tennis club	—	—	—	P	
Equestrian facility	—	—	CUP	CUP	
Fairgrounds	—	—	—	—	
Golf course	—	—	P	P	
Golf driving range	—	—	P	P	
Library	P	P	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	P	—	—	
Theater - Performing arts, 100 person maximum capacity	CUP	CUP	—	—	
Trail	—	—	P	P	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	—	CUP	CUP	35.442.060
Farmworker dwelling unit	CUP	—	—	—	35.442.105
Farmworker housing complex	—	—	—	—	35.442.105
Home occupation	P	P	P	P	35.442.130
Mixed use project residential component - market rate	CUP	CUP	—	CUP	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
RETAIL TRADE					
Drive-through facility	CUP	CUP	—	—	35.442.100
General retail	P	P	—	—	
Grocery and specialty food stores	P	P	—	—	
Health club, spa	P	P	P (3)	P(3)	
Restaurant, café, coffee shop	P	P	P (3)	P(3)	
Service station	P	P	—	—	35.442.050
Visitor serving commercial	—	—	P (3)	P(3)	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	
SERVICES - GENERAL					
Cemetery, mausoleum	—	—	—	—	
Charitable or philanthropic organization	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Drive-through, facility	CUP	CUP	—	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	CUP	—	—	
Lodging, Hotel or Motel	—	—	—	P	
Lodging - Resort hotel, guest ranch	—	—	P	P	35.424.060
Personal services	P	P	P (3)	P(3)	
Vehicle services - Minor maintenance/repair	P	P	—	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (7)	CUP	CUP (7)	

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- ~~(5) Not allowed in VC overlay.~~
- ~~(6 5) Not applicable to facilities constructed by the County outside of the Coastal Zone.~~
- ~~(7) Limited to a maximum of 199 connections.~~

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.437 titled “Reasonable Accommodation” to read as follows:

Chapter 35.437 - Reasonable Accommodation

Sections:

35.437.010 - Purpose

35.437.020 - Applicability

35.437.030 - Notice of Availability of Accommodation Process

35.437.040 - Contents of Application

35.437.050 - Processing

35.437.060 - Findings Required for Approval

35.437.070 - Effect of an approved Reasonable Accommodation on other project applications

35.437.010 - Purpose

- A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.437.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.437.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.437.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with Chapter 35.470 (Permit Application and Filing and Processing).
 - 1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.

2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.

B. Additional submittal requirements. The application shall include the following in addition to the standard submittal requirements.

1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
2. The regulation or procedure from which accommodation is being requested.
3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

35.437.050 - Processing

A. Review authority and processing procedures.

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - d. The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Section 35.437.060 (Findings Required for Approval) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with Section 35.472.120 (Modifications) or Variance in compliance with Section 35.472.180 (Variances) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with Section 35.437.060 (Findings Required for Approval).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

35.437.060 - Findings Required for Approval

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

A. The project that is the subject of the request for reasonable accommodation:

1. Conforms to the applicable provisions of the Comprehensive Plan including the Montecito Community Plan.
2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.

B. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.

C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.

D. The accommodation will not impose an undue financial or administrative burden on the County and the community.

E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.

F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.

- G. Any adverse impact that results from the accommodation is minimized to the extent feasible.
- H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.
- I. The project that is the subject of the request for reasonable accommodation:
1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
 4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.437.070 - Effect of an approved reasonable accommodation on other project applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35.472.070 (Design Review), then any approval or conditional approval of the project by the Montecito Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 7:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.442, Standards for Specific Land Uses, to add a new Section 35.442.105 titled "Farmworker Housing" and to read as follows:

Section 35.442.105 - Farmworker Housing

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.500.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.422 (Resource Protection Zones), Chapter 35.423 (Residential Zones) and Chapter 35.424 (Commercial Zones).
- C. Farmworker housing requirements.**
- 1. State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.

- c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).
5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. **Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Division 35.2 (Montecito Zones and Allowable Land Uses).
 - a. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RMZ zone.
 - b. **Residential zones.**
 - (1) **R-1/E-1 and R-2 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the R-1/E-1 zones.
 - (2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.423.030 (Residential Zones Allowable Land Uses):
 - (a) Dwelling, multiple.

- (b) A two-family dwelling.
- (c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.
- (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.

- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-4 (Residential Parking Standards).
- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Table 3-4 (Residential Parking Standards) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

- 1. The farmworker housing will continuously be maintained in compliance with this Section 35.442.105 (Farmworker Housing) and all other applicable sections of the Development Code;
- 2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
- 3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
- 4. The applicant will submit the annual verification form to the Director as required by Section 35.442.105.C.6; and
- 5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.498 (Enforcement and Penalties).

SECTION 8:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County

Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 7-1, Review Authority of Section 35.470.020, Authority for Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, to read as follows:

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendments		Recommend	Decision
Comprehensive Plan Amendments		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
Reasonable Accommodation	See Chapter 35.437 (Reasonable Accommodation) for applicable Review Authority		
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendments		Recommend (3)	Decision
Planning Permits			
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (4) below		
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds		
Emergency Permits	Decision		
Hardship Determinations		Decision	
Land Use Permits	Decision	Appeal	Appeal
Modifications		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining Permits (5)		Decision	Appeal
Road Namings/Renamings	See Chapter 35.460 (Road Naming and Address Numbering)		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	
Use Determinations		Decision	Appeal
Variations		Decision	Appeal
Zoning Clearances	Decision		

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Chapter 35.492 \(Appeals\)](#).
- (2) In situations where the Comprehensive Plan Amendment would also have effect outside of the Montecito Community Plan Area, the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- (4) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate an interim management plan that is required due to a surface mining operation becoming idle.

SECTION 9:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection A, Who may appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

A. Who may appeal. An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

~~1. Appeals by members of the Coastal Commission. Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:~~

~~a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D. (Decisions appealed to the Coastal Commission) below.~~

~~b. The final approval of projects under the jurisdiction of the Director or Montecito Commission.~~

~~c. Decisions of the Montecito Board of Architectural Review.~~

SECTION 10:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission, of Subsection B, Timing and form of appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

1. Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.

a. Filing of the appeal. An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Montecito Board of Architectural Review, Director, or Montecito Commission shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Development Code:

b. Form of appeal. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.

SECTION 11:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Director decisions, of Subsection A, Decisions appealed to the Montecito Commission, of Section 35.492.040, Appeals to the Montecito Commission, of Chapter 35.492, Appeals, to read as follows:

3. Director decisions. The following decisions of the Director may be appealed to the Montecito Commission:

a. Any determination on the meaning or applicability of the provisions of this Development Code.

b. Any determination that a discretionary permit application or information submitted with the

application is incomplete as provided by Government Code Section 65943.

- c. Any decision of the Director to revoke an approved or issued ~~Coastal Development Permit or Land Use Permit~~.
- d. Any decision of the Director to approve, conditionally approve or deny an application for a ~~Coastal Development Permit or Land Use Permit~~ ~~except as follows~~:
 - (1) ~~Land Use Permits approved in compliance with Section 35.442.180 (Temporary Uses and Trailers) not including Subsection 35.442.180.G (Trailer Use).~~
- e. Any decision of the Director to revoke an issued Zoning Clearance.
- f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
- h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

SECTION 12:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.496.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.020 - Notice of Public Hearing and Review Authority Action

- A. Minimum requirements.** Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.437 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.472.070 (Design Review), Emergency Permits processed in compliance with Section 35.472.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.472.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.472.190 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.
 - 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. Mailed notice.**
 - (1) Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.

- (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with [Chapter 35.444 \(Telecommunications Facilities\)](#).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - ~~(h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - d. **Contents of notice.** The contents of the notice shall be in compliance with [Section 35.496.080 \(Contents of Notice\)](#) below.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the

nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

- (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - (b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority) of Chapter 35.470 (Permit Application Filing and Processing).
- (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 13:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definition of “Applicant” and “Family” to read as follows:

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; ~~or~~
3. Presents written authorization from the property owner to file an application with the County; ;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 14:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following new definitions of “Farm Employee Dwelling,” “Farmworker Housing,” “Individual With a Disability,” “Reasonable Accommodation” and “Request for Reasonable Accommodation” to read as follows:

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.442.105 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual’s current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 15:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definition of “Agricultural Employee Housing.”

SECTION 16:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 17:

Except as amended by this Ordinance, Divisions 35.2, 35.3, 35.4, 35.7, 35.9 and 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 18:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT 7: ARTICLE II CZO FINDINGS

CASE NO. 15ORD-00000-00014

Article II Coastal Zoning Ordinance Amendment

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed project, 15ORD-00000-00014, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15265 and 15061(b)(3). Please see Attachment 8, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance, the Board of Supervisors shall make the following findings in order to adopt an amendment to the Article II Coastal Zoning Ordinance:

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

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will revise the Article II Coastal Zoning Ordinance to implement certain programs of the County Housing Element of the Comprehensive Plan and to be consistent with State regulations regarding:

- State density bonus allowances that promote the development of affordable housing.
- Permitting of state-licensed farmworker employee housing.
- Providing a reasonable accommodations procedure to give individuals with disabilities an equal opportunity to occupy the housing of their choice.
- Accommodating individuals that occupy group housing situations within the definition of family.

2.2 The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by revising the Article II Coastal Zoning Ordinance to be consistent with State regulations and provide a clear and efficient permit processes that will benefit the public. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Coastal Land Use Plan and the Comprehensive Plan including the community and area plans. The proposed ordinance amendment is also consistent with the remaining portions of the Article II Coastal Zoning Ordinance that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Coastal Land Use Plan, the Comprehensive Plan including the community and area plans, the requirements of State Planning and Zoning Laws, and the Article II Coastal Zoning Ordinance.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise the Article II Coastal Zoning Ordinance to be consistent with State regulations and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Coastal Land Use Plan, the Comprehensive Plan including the community and area plans, and the Article II Coastal Zoning Ordinance.

ATTACHMENT 8: ARTICLE II CZO CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Noel Langle, Senior Planner
Planning and Development Department

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

APN(s): Not applicable.

Case No.: 15ORD-00000-00014

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Coastal Zone.

Project Title: 2015 Housing Element Implementation Ordinance Amendments.

Project Description: 15ORD-00000-00014 proposes to amend Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, of the Santa Barbara County Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, to regarding:

- **State density bonus allowances that promote the development of affordable housing:** The amendment revises the Article II Coastal Zoning Ordinance to increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the California density bonus law which is intended to increase the economic feasibility of affordable housing developments for extremely low, very low, and low-income households. The amendment also revises the whole of existing Section 35-144C of the Article II Coastal Zoning Ordinance so that it reads more like the County and Montecito Land Use and Development Codes.
- **Permitting of state-licensed farmworker employee housing:** The amendment revises the Article II Coastal Zoning Ordinance to be compliant with the California Health and Safety Code (HSC), specifically Sections 17021.5 and 17021.6, that require local jurisdictions to permit farmworker housing consistent with permit requirements for single-family dwellings and agricultural uses, as applicable.
- **Providing a reasonable accommodations procedure for individuals with disabilities:** The amendment revises the Article II Coastal Zoning Ordinance to be compliant with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families.
- **Clarifying that persons that occupy group housing situations meet the definition of family:** The amendment revises the definition of family to clarify that the use of a single-family dwelling by people living in a group home such as supportive or transition housing, as allowed by state housing laws is consistent with the definition of family.

Exempt Status: (Check one)

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

Cite specific CEQA Guideline Section: Section 15265 (Adoption of Coastal Plans and Programs) and Section 15061(b)(3) (No possibility of significant effect).

Reasons to support exemption findings:

The amendments clarify and revise existing regulations and permit procedures to comply with State law and make minor text clarifications which would not in any modifications to resource protection policies.

State density bonus allowances: The amendment revises the Article II Coastal Zoning Ordinance to be consistent with the California density bonus law by increasing the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent. Even though this would allow greater development potential for housing development that provide affordable housing, in order to approve the development the project still must be found consistent with the policies of the Local Coastal Program and the Coastal Act that serve to protect environmental resources.

Farm employee housing: Although the proposed additions to the Article II Coastal Zoning Ordinance add new allowed uses and permit requirement for farm employee housing within certain zones, these amendments reflect the existing setting since they implement the requirements of California Health and Safety Code (HSC) Sections 17021.5 and 17021.6. By law, should an applicant request a zoning approval from the County based on either Sections 17021.5 or 17021.6, the County must issue the applicable permit for development provided the requirements of State law are satisfied. Also, the proposed amendment includes restrictions on the type of dwelling that is allowed within farmworker housing complexes based on the zone to increase the compatibility of the farmworker housing with existing residential development. Lastly, in order to approve a permit to allow the development of farm employee housing the review authority must first find that the request is consistent with the goals and policies of the Coastal Land Use Plan, the Comprehensive Plan and the community and area plans, including the environmental resource protection policies.

Reasonable accommodation: The amendment revises the Article II Coastal Zoning Ordinance to comply with Government Code Section 65583(c)(3) that requires local jurisdictions to provide flexibility in the application of zoning regulations that pose barriers to individuals with disabilities and their families to use and enjoy housing. Typical accommodations include:

- Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
- Adjustments to requirements for buffers, fences, walls and screening requirements.
- Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.

The proposed revisions include the requirement that in order for a review authority to approve a request for reasonable accommodation they must first find that:

- That the request is consistent with the goals and policies of the Coastal Land Use Plan, the Comprehensive Plan and the community and area plans, including the environmental resource protection policies.
- Any adverse impact that could result from the accommodation is minimized to the extent feasible.

Definition of family: The term “family” is currently defined as “One or more persons occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall not include a fraternal, religious, social, or business group. A family shall be deemed to include domestic servants employed by the family.” The Planning and Development Department has always interpreted this to include (1) the residents of group quarters that provides housing for residents with similar disabilities, and (2) the residents and operators of state-licensed residential care facilities that serve six or fewer clients as a family dwelling in compliance with State law. The proposed amendment modifies the definition by:

- Revising the definition to specify that the residents living as a housekeeping unit that is not operated for profit are considered a family;
- Deleting references to group use from examples of residential uses that do qualify under the definition of family; and,
- Specifically including the residents and operator of a residential care facility licensed by the State that serves six or fewer clients.

Therefore, no significant environmental impacts would occur as a result of these ordinance revisions.

Department/Division Representative

Date

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

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

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

Hearing Support Staff
15ORD-00000-00014 file

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ATTACHMENT 9: ARTICLE II CZO 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, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARMWORKER EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 1-1, Decision-maker Authority, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend (2)	Decision
Reasonable Accommodation	See Section 35-144Q (Reasonable Accommodation) for applicable Decision-Maker			
Specific Plans and Amendments			Recommend	Decision
Planning Permits				
Coastal Development Permits (Section 35-169.4.1) (3) (4)	Decision		Appeal	Appeal
Coastal Development Permits (Section 35-169.4.2)		Decision	Appeal	Appeal
Coastal Development Permits (Section 35-169.4.3)	See Footnote (5) below			
Conditional Certificate of Compliance		Decision	Appeal	Appeal
Conditional Use Permits, Major			Decision	Appeal
Conditional Use Permits, Minor		Decision	Appeal	Appeal
Design Review	See Footnote (6) below			
Development Plans	See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.			
Emergency Permits	Decision			
Hardship Determinations		Decision	Appeal	Appeal
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations (Section 35-161.7)			Decision	Appeal
Lot Line Adjustments	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Modifications		Decision	Appeal	Appeal
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Reclamation and Surface Mining Permits			Decision	Appeal

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Road Namings and Renamings	See Section 35-144N (Road Naming and Address Numbering)		Appeal	Appeal
Tentative Maps	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Section 35-182 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the decision-maker for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review) shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

SECTION 2:

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

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

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 hereby amended to amend Section 35-58, Definitions, to add the following new definitions of “Agricultural Employee Housing,” “Applicant,” “Farm Employee Dwelling,” “Farmworker Housing,” “Individual With a Disability,” “Reasonable Accommodation” and “Request for Reasonable Accommodation” to read as follows:

Agricultural Employee Housing. A dwelling occupied by one or more agricultural employees including family members.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;

2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Article, and who presents written authorization from the property owner to file an application with the County;
3. Presents written authorization from the property owner to file an application with the County;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of this Article.

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35-144P (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Article.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 4:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code is hereby amended to amend Section 35-144C, Density Bonus for Affordable Housing Projects, to read as follows:

Section 144C. Density Bonus for Affordable Housing Projects.

Section 35-144C.1 Purpose and Intent

~~The purpose of this Section is to implement Housing Element Policy 1.1 (Density Bonus) and the State mandated density bonus program (Government Code Section 65915-65918 or successor statute(s)) to provide lower income housing units. The intent of the density bonus program is to provide incentives to developers to produce lower income housing units.~~

The purpose of this Section is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code 65915 through 65918 are implemented (1) in a manner that is consistent with the policies the Comprehensive Plan and the Coastal Land Use Plan, and (2) in a manner that is consistent with the policies of Chapter 3 of the Coastal Act.

Section 35-144C.2 Applicability and Eligibility for Density Bonus Program, Incentives or Concessions.

~~A new housing development of five or more dwelling units (excluding any density bonus units) is eligible for the Density Bonus Program and is considered a "qualifying housing development" if it complies with the requirements of this Section and falls within one or more of the subcategories listed pursuant to Government Code Section 65915-65918 or successor statutes.~~

~~Density Bonus Projects Pursuant to Government Code Section 65915.~~

- ~~1. At least 20 percent of the dwelling units are targeted for sale or rent to low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 20 percent of the total units.~~
- ~~2. At least 10 percent of the dwelling units are targeted for sale or rent to very low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 10 percent of the total units.~~
- ~~3. At least 50 percent of the dwelling units are specifically designed and targeted for sale or rent to persons who are "qualifying residents" or as defined in California Civil Code Section 51.2 and 51.3. The density bonus shall not be included when determining the number of housing units which is equal to 50 percent of the total units.~~

1. Applicability. This Section only applies to a "housing development", as defined in Government Code Section 65915(i), that comply with the following:

- a. The development is for the type of housing specified in Government Code Section 65915(b)(1), (b)(2) or (b)(3).
- b. The land use designations in the Coastal Land Use Plan allow development of at least five residential units on a lot or lots where the project is located, and the project proposes a housing development of five or more dwelling units.

2. Eligibility for Density Bonus, Incentives or Concessions.

- a. **Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.
- b. **Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.

Section 35-144C.3 Effect of the Density Bonus Program Allowed Density Bonuses.

~~When a developer proposes a qualifying housing development within the jurisdiction of the County, the County shall provide one of the two following development incentives:~~

- ~~1. A density bonus of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use designation, plus at least one additional development incentive identified in Section 35-144C.4. The additional incentive shall not be provided if the County makes the written finding as required by Government Code Section 65915(B)(3).~~
- ~~2. Other incentives of equivalent financial value based upon the land cost per dwelling unit.~~

~~In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the Comprehensive Plan, Coastal Land Use Plan, and this Article. "Otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the Local Coastal Program.~~

- 1. Bonus determination.** ~~The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of State law, provided that the project (as modified to include a density bonus) is found consistent with all applicable policies and provisions of the Local Coastal Program and provided that the density bonus is no greater than 35 percent above the base zone density.~~
- 2. Requirements for amendments or discretionary approval.** ~~The granting of a density bonus shall not be interpreted, in and of itself, to require a Local Coastal Program Amendment, zone change or other discretionary approval separate from the discretionary approval otherwise required for the project.~~

Section 35-144C.4 Development Incentives Allowed Incentives or Concessions.

- 1. Applicant request and County approval.** ~~An applicant may submit to the County a proposal for the specific incentives or concessions listed in Subsection 2. (Types of incentives) below, that the applicant requests in compliance with this Section. The County shall grant an incentive or concession request that complies with this Section unless the County makes a specific finding, pursuant to Government Code Sections 65915 through 65918, of any of the following:~~
 - ~~a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).~~
 - ~~b. The development incentive or concession, requested by an applicant in compliance with this Section will have an adverse effect on coastal resources. If the County determines that the requested incentive or concession will have an adverse effect on coastal resources, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources.~~
 - ~~c. The concession or incentive would be contrary to State or Federal law, including implementation of the Coastal Act. The project (as modified to include a density bonus, incentives, or concessions) shall be consistent with all applicable policies and provisions of the Local Coastal Program.~~

~~For the purposes of the Section, the following development incentives may be allowed provided such incentives shall be found consistent with all applicable policies and provisions of the Local Coastal Program.~~

- 2. Types of incentives.** ~~For purposes of this Section, incentives or concessions consist of any of the following:~~
 - ~~1. a. Modification of development standards.~~ ~~A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30 percent, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards of~~

this Article or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.

- ~~2. **b. Mixed use projects approval.** The County shall financially subsidize a rezone to allow mixed use development in conjunction with the housing project provided that the commercial, office, or other land uses are compatible with the proposed housing project and the existing development in the area Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.~~
- ~~3. **c. Additional density bonus Other regulatory incentives.** The approval of a density bonus which is greater than the maximum allowable density and may, when involved with standard density bonus projects, exceed the standard 25 percent density increase. This incentive shall be limited to a maximum density increase of no more than 50 percent above the base zoning density Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient and actual cost reductions.~~
- ~~4. **Financial subsidy.** The provision of a below market rate loan or other financial assistance by the County or by other public or private institutions in cooperation with the County.~~
- ~~5. **Fast track permitting.** Subject to the provisions of the fast track permit process.~~
- ~~6. **Modified fee payment.** Deferral, reduction or waiver of processing fees, exactions or impact fees as approved by the Board of Supervisors, provided that this incentive does not apply to fees or exactions necessary to implement the Local Coastal Program.~~
- ~~7. **Modification of facility requirements.** Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development may be modified by the decision maker if deemed necessary to ensure affordability of dwelling units or to provide additional developer incentives provided that such modifications are found consistent with all applicable policies and provisions of the Local Coastal Program.~~
- 3. Additional parking incentives or concessions. An applicant may request alternative vehicular parking ratios in addition to other incentives or concessions provided in this Section.**
- 4. Requirements for amendments or discretionary approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan or Local Coastal Program amendment, a text amendment of this Article, a rezone or other discretionary approval separate from the discretionary approval otherwise required for the project.**

Section 35-144C.5 Siting Criteria.

The following siting criteria shall apply to density bonus projects Density bonus projects shall be sited based on the following criteria:

- 1. Land use and development standards. All uses of land shall comply with the ~~base zone district regulations of the primary zone.~~ In cases where conflict occurs between the ~~regulations of the base zone district standards~~ primary zone standards and the provisions of the density bonus program, the conflict shall be resolved in accordance with the provisions of the Local Coastal Program.**
- 2. Location of project. All units within the proposed development should be of similar architectural style. ~~The intent is to have the affordable units blend in with the proposed development~~ The site shall be located within an existing Urban area as designated on the Coastal Land Use Plan maps.**
- 3. Access to transportation. All proposed development shall be sited to provide maximum access to ~~public forms of transportation~~ transit and alternative transportation services and facilities to the maximum extent feasible.**
- 4. Water and sewer service. Density bonus projects shall be ~~applied~~ located in areas served by municipal**

water ~~districts~~ providers and municipal sanitary ~~districts~~ service providers.

5. **Consistency with the Local Coastal Program.** All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.

Section 35-144C.6 Processing of a Preliminary Density Bonus and Incentive Request

1. Preliminary proposal.

- a. ~~Consistent with Government Code Section 65915(d), prior~~ Prior to the submittal of a formal application, an applicant ~~may submit to the County a written preliminary proposal for a density bonus project is encouraged to apply for a pre-application conference and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary proposal shall contain the following information:~~
- b. The pre-application conference or other preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application for the pre-application conference or other preliminary consultation shall contain the following information:
1. **Site information.** The Assessor's Parcel Number(s), gross and net acreage, land use and zoning zone designations of the project site;.
 2. **Number of units.** The total number of units proposed (not including the requested density bonus units);.
 3. **Density bonus units.** The number of density bonus units requested;.
 4. **Affordable units.** The number of very low income, low income, ~~lower or upper moderate and/or "qualifying resident"~~ moderate income and/or senior units proposed;.
 5. **Incentives.** Any additional incentive(s) requested;.
 6. **Financial information.** Complete financial information and projections for the project. ~~The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the developer applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.~~
 7. ~~A site plan in accordance Section 35-169.4 (Coastal Development Permits)~~ **Compliance with Section 65915.** The information required to demonstrate that the project meets all requirements of Government Code Section 65915.
 8. **Demonstration of need.** Information demonstrating that any requested incentive or concession is necessary in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Government Code section 65915(c).
 9. **Density bonus effects on coastal resources.** A discussion of whether the method proposed by the applicant for accommodating the requested density bonus will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that the method proposed for accommodating a requested density bonus will have an adverse effect on coastal resources, the applicant shall submit an evaluation of:
 - a) All feasible methods of accommodating the requested density increase.
 - b) The effects of each method on coastal resources.
 - c) The method that avoids adverse impacts to coastal resources.
 10. **Incentive/concession effects on coastal resources.** A discussion of whether any incentive or concession requested by the applicant will have an adverse effect on coastal resources. If the

applicant indicates, or if the County determines, that an incentive or concession that is requested will have an adverse effect on coastal resources, the applicant shall submit an evaluation of:

- a) All feasible alternative incentives or concessions and their effects on coastal resources.
- b) Which of the feasible incentives or concessions avoids adverse impacts to coastal resources.
- c. Within 45 days of receipt of a complete ~~written proposal~~ application for a pre-application or other preliminary consultation, the ~~Planning and Development~~ Department shall notify the ~~developer~~ applicant in writing of:
 - 1) ~~the~~ The types of incentives which may be recommended in order to comply with this Section, and
 - 2) ~~whether~~ Whether staff the Department, based on the information provided, may support the granting of a density bonus on the basis of required development standards and findings.

Section 35-144C.7 — Processing of a Density Bonus Project.

1. ~~A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.~~

2. Application submittal.

- a. A formal application for a project that includes a request for a density bonus and/or other incentives or concessions, shall include all the information required in compliance with Subsection 1.b, above, in addition to the standard application requirements for the specific type of application in compliance with Section 35-57A (Application Preparation and Filing).
- b. If this information was provided as part of an application for an application for a pre-application or other preliminary consultation, then this information may be used as part of the formal application provided the Department determines, and the applicant verifies, that the information is still accurate and applicable to the project that is the subject of the formal application.

3. Protection of coastal resources.

- a. Any housing development approved in compliance with Government Code Section 65915 shall be consistent with all otherwise applicable policies and development standards of the County's Local Coastal Program.
- b. If the County approves development with a density bonus, the County shall find that the development, if it had been proposed without the density increase, would have been fully consistent with the policies and development standards of the County's Local Coastal Program.
- c. If the County determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the County shall require that the density increase be accommodated by those means.
- d. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the County shall:
 - 1) Identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources.
 - 2) Require implementation of the means that avoids adverse impacts to coastal resources.

4. Affordable Housing (AH) overlay zone. ~~The AH Overlay Affordable Housing (AH) overlay zone was established to~~ provides density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted ~~pursuant to~~ in compliance with the AH Overlay AH overlay zone shall be inclusive of the incentives offered in this Section, and

shall not be in addition to the development incentives required offered in this Section.

- ~~3. The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.~~
- 5. Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- ~~4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper moderate incomes. All affordable units shall be restricted for a minimum of 30 years and the 30 year requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years, unless the County does not grant one additional incentive listed in Section 35-144C.4, in which case the developer shall agree to, and the County shall ensure, continued affordability for 10 years of all lower income housing units receiving a density bonus (Government Code Section 65915.C.).~~
- 6. Affordable housing agreement.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) for a density bonus project any housing development where the County approves a density bonus, each project the owners shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document, which outlines:
- a. The sales and/or rental prices for the various types of units to be established.
 - b. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted for the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

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 add a new Section 35-144P titled "Farmworker Housing" and to read as follows:

Section 35-144P. Farmworker Housing.

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35-58 (Definitions) and as may be allowed in compliance with the approval of the applicable permit identified in the following table for the listed zones:

<u>Permit Requirements for Farmworker Dwelling Units and Farmworker Housing Complexes</u>	P	<u>Permitted use, appealable Coastal Permit required (1)</u>	
	PP	<u>Principal Permitted use, Coastal Permit required (1)</u>	
	MCUP	<u>Minor Conditional Use Permit required</u>	
	CUP	<u>Major Conditional Use Permit required</u>	
	=	<u>Use not allowed</u>	
	<u>PERMIT REQUIRED BY ZONE</u>		
	<u>Farmworker dwelling unit</u>	<u>Farmworker housing complex</u>	<u>Specific Use Regulations</u>

Agricultural Zones

<u>AG-I</u>	<u>P (2)</u>	<u>P (3)</u>	
<u>AG-II</u>	<u>P (2)</u>	<u>CUP</u>	

Resource Protection Zones

<u>MT-TORO</u>	<u>P (4)</u>	<u>MCUP</u>	
<u>RES</u>	<u>P (4)</u>	<u>CUP</u>	

Residential Zones

<u>EX-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-1/E-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-2</u>	<u>PP</u>	<u>MCUP</u>	
<u>DR</u>	<u>PP</u>	<u>P</u>	
<u>MHP</u>	<u>=</u>	<u>=</u>	
<u>PRD</u>	<u>PP</u>	<u>=</u>	
<u>RR</u>	<u>PP</u>	<u>CUP</u>	
<u>SR-H</u>	<u>PP</u>	<u>MCUP</u>	
<u>SR-M</u>	<u>PP</u>	<u>MCUP</u>	

Commercial Zones

<u>C-1</u>	<u>P (5)</u>	<u>=</u>	
<u>C-2</u>	<u>MCUP</u>	<u>=</u>	
<u>CH</u>	<u>MCUP</u>	<u>(6)</u>	
<u>C-V</u>	<u>MCUP</u>	<u>=</u>	
<u>PI</u>	<u>MCUP</u>	<u>=</u>	

Industrial Zones

<u>M-CD</u>	<u>=</u>	<u>P</u>	
<u>M-CR</u>	<u>=</u>	<u>P</u>	
<u>M-RP</u>	<u>=</u>	<u>P</u>	

Special Purpose Zones

<u>PU</u>	<u>=</u>	<u>P</u>	
<u>REC</u>	<u>=</u>	<u>=</u>	
<u>TC</u>	<u>CUP (7)</u>	<u>CUP</u>	

Notes:

- (1) Development Plan approval may also be required; see zone district requirements.
- (2) The primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.
 - b. The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.
 - c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.
 - d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.
- (3) Within the Carpinteria Agricultural Overlay District, a CUP is required if located on slopes between 5 and 10 percent.
- (4) The primary dwelling on the lot may be considered as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. The principal dwelling and all accessory structures and landscaping associated with the principal dwelling shall occupy a development area of no more than 10,000 square feet.
 - b. The development area shall not occupy slopes of 30 percent or greater.
- (5) Only allowed on a lot where there is no commercial use, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).
- (6) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.
- (7) Only if single-family dwellings are allowed as a principal permitted use in an abutting zone district.

C. Farmworker housing requirements.

- 1. State regulations.** All farmworker housing shall comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
- 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.**
- 3. Farmworker housing may be allowed, but not required, to be:**
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
- 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:**
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent.
- 5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:**
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
- 6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:**
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

- 1. Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the table included in Subsection B (Applicability), above.
 - a. Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.
 - b. Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-TORO and RES zones.

c. Residential zones.

- 1) **EX-1, R-1/E-1, R-2, RR, SR-H and SR-M zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the EX-1, RR, R-1/E-1, R-2, RR, SR-H and SR-M zones:
- 2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone:
 - a) Dwelling, multiple.
 - b) A two-family dwelling.
 - c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.
 - d) Farmworker housing complexes other than those housing types listed in Subsections D.1.c(2)(a) through D.1.c(2)(c), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

d. Commercial zones. The following housing types may be permitted as a farmworker housing complex in the CH zone:

- 1) **Adjacent lot zoned agriculture.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.
- 2) **Adjacent lot zoned residential.** The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.
 - a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.
 - b) Farmworker housing complexes other than those housing types listed in Subsections D.1.d(2)(a), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

e. Industrial zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-CD, M-CR and M-RP zones.

f. Special Purpose zones.

- 1) **PU and TC zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the PU and TC zones.

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Article that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Article, the standards of this Subsection D.3 shall prevail.

- a. **Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.**

- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Section 35-108 (Required Number of Spaces: Residential).
- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Section 35-108 (Required Number of Spaces: Residential) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

- 1. The farmworker housing will continuously be maintained in compliance with this Section 35-144P (Farmworker Housing) and all other applicable sections of this Article;
- 2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
- 3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
- 4. The applicant will submit the annual verification form to the Director as required by Subsection C.6, above; and
- 5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

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 add a new Section 35-144Q titled "Reasonable Accommodation" and to read as follows:

Section 35-144Q. Reasonable Accommodation.

Sections:

- A. Purpose.
- B. Applicability.
- C. Notice of Availability of Accommodation Process.
- D. Contents of Application.
- E. Processing.
- F. Findings Required for Approval.
- G. Effect of an approved Reasonable Accommodation on other project applications.

A. Purpose.

- 1. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- 2. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- 3. This Section shall be interpreted and applied in accordance with the Acts, and nothing in this

Section shall be deemed to create greater rights than exist under the Acts.

B. Applicability.

1. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Article that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Section applies only to those individuals who qualify as disabled under the Acts.
2. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - a. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - b. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - c. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
3. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

C. Notice of Availability of Accommodation Process. Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

D. Contents of Application.

1. An application for reasonable accommodation shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - a. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - b. If the project for which the application is being made also requires some other discretionary approval under this Article, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
2. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
 - a. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 - b. The regulation or procedure from which accommodation is being requested.
 - c. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 - d. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

E. Processing

1. Decision-maker and processing procedures.

- a. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Article, then the Director shall be the decision-maker for the application for reasonable accommodation and the related application, and the

application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.

- 1) Notice of the application for Reasonable Accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35-181 (Noticing).
 - 2) The Director shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, the Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 4) The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
- b. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Article, then:
- 1) The decision-maker for the related discretionary application shall be the decision-maker for the application for reasonable accommodation.
 - 2) The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - 3) The decision-maker shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The decision-maker shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - 4) The action of the decision-maker is final subject to appeal in compliance with Chapter 35-102 (Appeals).

2. Standards for approval.

- a. The decision-maker shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Subsection F (Findings Required for Approval) can first be made.
- b. An application for Reasonable Accommodation granted in compliance with this Section shall not require the approval of any Modification in compliance with Section 35-179 (Modifications) or Variance in compliance with Section 35-173 (Variances) as to the reasonable accommodation.

3. Conditions of approval. The decision-maker may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Section to further fair housing. Such conditions include:

- a. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
- b. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
- c. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

4. Written determination. The decision-maker shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

- a. Explains the basis of the decision and includes the findings required in compliance with Subsection F (Findings Required for Approval).
- b. Includes notice of the right to appeal and the appeals process.

5. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

F. Findings Required for Approval. An application for reasonable accommodation shall be approved or conditionally approved only if the decision-maker, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

1. The project that is the subject of the request for reasonable accommodation:
 - a. Conforms to the applicable provisions of the Coastal Land Use Plan and the Comprehensive Plan including any applicable community or area plan.
 - b. Conforms to the applicable provisions of this Article and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.
2. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.
3. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
4. The accommodation will not impose an undue financial or administrative burden on the County and the community.
5. The accommodation will not require a fundamental alteration of the regulations or procedures of this Article.
6. The accommodation will not waive a requirement for a Coastal Development Permit, Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Article.
7. Any adverse impact that results from the accommodation is minimized to the extent feasible.
8. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Article.
9. The project that is the subject of the request for reasonable accommodation:
 - a. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 - b. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 - c. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
 - d. If located in a Rural area as designated on the Coastal Land Use Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

G. Effect of an approved reasonable accommodation on other project applications. If the project for which the application for reasonable accommodation is submitted also requires design review approval in

compliance with Section 35-184 (Board of Architectural Review), then any approval or conditional approval of the project by the applicable Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 7:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B, Timing and Form of Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

B. Timing and Form of Appeal.

1. Appeals of decisions of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator.

a. **Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as ~~otherwise provided in this Article~~ follows:

1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35-170.11 \(Processing of demolition and Reclamation Permit\)](#).

2) Except as otherwise provided in this Article.

b. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Section 35-182.2.C, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.

2. **Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the next calendar day following the day on which the decision was made or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

SECTION 8:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, General requirements, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

1. **General requirements.** The appellant shall specifically provide in the appeal all of the following:

- a. The identity of the appellant and his or her interest in the decision;
- b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
- c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article, or other applicable law;
- d. If it is claimed that there was an error or abuse of discretion on the part of the ~~Board of Architectural Review, Director, Planning Commission, Zoning Administrator~~ decision-maker, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence

relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

SECTION 9:

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

SECTION 10:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 11:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 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 _____, 2014, by the following vote:

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

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT 10: RESOLUTION 15-15 COUNTY LUDC

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

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-1, THE SANTA BARBARA COUNTY)
LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35,)
ZONING, OF THE COUNTY CODE, AMENDING ARTICLE) RESOLUTION NO.: 15 - 15
35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE)
35.3, SITE PLANNING AND OTHER PROJECT) CASE NO.: 15ORD-00000-00012
STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC)
LAND USES, ARTICLE 35.8, PLANNING PERMIT)
PROCEDURES, ARTICLE 35.10, LAND USE AND)
DEVELOPMENT CODE ADMINISTRATION, AND)
ARTICLE 35.11, GLOSSARY, TO IMPLEMENT CERTAIN)
PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT)
UPDATE REGARDING THE DEFINITION OF FAMILY,)
FARM EMPLOYEE HOUSING STATE REQUIREMENTS,)
AND REASONABLE ACCOMMODATIONS FOR)
INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER)
MINOR CLARIFICATIONS, CORRECTIONS AND)
REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00012) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.

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

- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that (1) promote the development of farm employee housing, (2) require the provision of reasonable accommodations to individuals with disabilities so that they can enjoy the housing of their choice, and (3) allow individuals that occupy group homes licensed by the State to be considered a family. The proposed Ordinance also corrects and clarifies existing text provisions.

E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the County Planning Staff report dated August 26, 2015.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this September 2, 2015 by the following vote:

AYES: Blough, Brown, Cooney, Ferini and Hartman
NOES: None
ABSTAIN: None
ABSENT: None

(signed copy on file)

CECILIA BROWN, CHAIR
SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:

(signed copy on file)

DIANNE MEESTER BLACK
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. 15ORD-00000-00012

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARM EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00012

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35. 21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

<p>Table 2-1 - Continued</p> <p>Allowed Land Uses and Permit Requirements for Agricultural Zones</p>	<p>E Allowed use, no permit required (Exempt)</p> <p>P Permitted use, Land Use or Coastal Permit required (2)</p> <p>MCUP Minor Conditional Use Permit required</p> <p>CUP Conditional Use Permit required</p> <p>S Permit determined by Specific Use Regulations</p> <p>— Use Not Allowed</p>					
<p>LAND USE (1)</p>	<p>PERMIT REQUIRED BY ZONE</p> <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">AG-I</td> <td style="width: 15%; text-align: center;">AG-I CZ</td> <td style="width: 15%; text-align: center;">AG-II</td> <td style="width: 15%; text-align: center;">AG-II CZ</td> <td style="width: 30%; text-align: center; vertical-align: middle;"> <p>Specific Use Regulations</p> </td> </tr> </table>	AG-I	AG-I CZ	AG-II	AG-II CZ	<p>Specific Use Regulations</p>
AG-I	AG-I CZ	AG-II	AG-II CZ	<p>Specific Use Regulations</p>		

RESIDENTIAL USES

Land Use	AG-I	AG-I CZ	AG-II	AG-II CZ	Specific Use Regulations
Agricultural employee housing, 4 or fewer employees	P	MCUP	P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
<u>Farmworker dwelling unit</u>	<u>P</u>		<u>P</u>		35.42.135
<u>Farmworker housing complex</u>	<u>P</u>		<u>CUP</u>		35.42.135
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Residential agricultural unit, attached (4)	—	—	P	—	35.42.210
Residential agricultural unit, detached and clustered (4)	—	—	P	—	35.42.210
Residential agricultural unit, remotely sited	—	—	MCUP	—	35.42.210
Residential second unit - attached (4)	P	P	—	—	35.42.230
Residential second unit - detached (4)	P	MCUP	—	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

AG-I	Agriculture I
AG-II	Agriculture II

Notes:

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

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zones, of Section 35.22.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.22, Resource Protection Zones, to read as follows:

Table 2-4 - Continued Allowed Land Uses and Permit Requirements for Resource Protection Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MT-GOL	MT-TORO	MT-TORO CZ	RMZ	RMZ CZ	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	MCUP	—	—	—	—	35.42.030
Artist studio	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.150
Dwelling, one-family	P	P	P	P	P	
<u>Farmworker dwelling unit</u>	<u>P</u>	<u>P</u>		<u>P</u>		35.42.135
<u>Farmworker housing complex</u>	<u>MCUP</u>	<u>MCUP</u>		<u>CUP</u>		35.42.135
Guesthouse	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	35.42.190
Monastery	CUP	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

MT-GOL	Mountainous - Goleta	RMZ	Resource Management
MT-TORO	Mountainous - Toro Canyon	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.22.030.C](#).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	RR	RR CZ	R-1/E-1	R-1/E-1 CZ	EX-1	EX-1 CZ	

RESIDENTIAL USES

Dwelling, one-family	P(3)(4)	P(4)	P(3)(4)	P(4)	P(3)(4)	P(4)	
Dwelling, two-family	—	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		P		35.42.135
Farmworker housing complex	CUP		MCUP		MCUP		35.42.135
Guesthouse or artist studio	P	P	P	P	P	P	35.42.150
Home occupation	P	P	P	P	P	P	35.42.190
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	—	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	—	—	—	
Residential second unit	P	P	P	P	P	P	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

RR	Rural Residential/Residential Ranchette	EX-1	One-Family Exclusive Residential
R-1/E-1	Single-Family Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	ZC	Zoning Clearance					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	R-2	R-2 CZ	DR	DR CZ	MR-O	PRD	

RESIDENTIAL USES

Dwelling, one-family	P(3)	P	P(3)	P	—	P(3)	P
Dwelling, two-family	P	P	P	P	—	P	P
Dwelling, multiple	—	—	P	P	ZC	P	P

Emergency shelter	—	—	—	—	—	—	—	
Farmworker dwelling unit	P		P		==	P		35.42.135
Farmworker housing complex	MCUP		P		==	==		35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	—	
Home occupation	P	P	P	P	P	P	P	35.42.190
Mobile home park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Monastery	CUP	—	CUP	—	—	CUP	—	
Organizational house (sorority, monastery, etc.)	—	—	CUP(4)	CUP(4)	—	—	—	
Residential accessory use or structure	P	P	P	P	ZC	P	P	35.42.020
Residential project convenience facilities	—	—	P	P	ZC	P	P	35.42.220
Residential second unit	—	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

R-2	Two-Family Residential	PRD	Planned Residential Development
DR	Design Residential	CZ	Coastal Zone
MR-O	Multi-Family Residential - Orcutt		

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see [Section 35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary one-family dwelling on a lot that resulted from recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-9, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

Table 2-9 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)					
	P	Permitted use, Land Use or Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	SLP	SR-M CZ	SR-H CZ	MHP	MHP CZ	MHS	

RESIDENTIAL USES

Dwelling, one-family	P(3)	P	P	—	—	—	
Dwelling, two-family	—	P	P	—	—	—	
Dwelling, multiple	—	P	P	—	—	—	
Emergency shelter	—	—	P	—	—	—	
Farmworker dwelling unit	P			==		==	35.42.135
Farmworker housing complex	==			==		==	35.42.135
Guesthouse or artist studio	—	—	—	—	—	—	
Home occupation	P	P	P	—	—	P	35.42.190
Mobile home park	CUP	CUP	CUP	P(4)	P(4)	CUP	
Mobile home	—	—	—	P	P	P(5)	
Modular home	—	—	—	—	—	P	
Monastery	CUP	—	—	CUP	—	CUP	
Organizational house (sorority, monastery, etc.)	—	—	P	—	—	—	
Residential accessory use or structure	P	P	P	P	P	P	35.42.020
Residential project convenience facilities	—	—	—	P	P	—	35.42.220
Residential second unit	—	—	—	—	—	—	
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

SLP	Small Lot Planned Development	MHP	Mobile Home Planned Development
SR-M	Medium Density Student Residential	MHS	Mobile Home Subdivision
SR-H	High Density Student Residential	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.23.030.C](#).
- (3) A Zoning Clearance ([Section 35.82.210](#)) is required instead of a Land Use Permit ([Section 35.82.110](#)) for a primary single-family dwelling on a lot that resulted from the recordation of a Final (Tract) Map for which its Tentative Map was approved after January 1, 1990, and was vacant at the time the Final Map was recorded.
- (4) See [Section 35.23.080 \(Mobile Home Park zone standards\)](#).
- (5) Mobile home must be on a permanent foundation, see [Section 35.42.205](#)

SECTION 6:

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

Table 2-14 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	CN	C-1	C-1 CZ	C-2	C-2 CZ	

RESIDENTIAL USES

Caretaker/Manager dwelling	—	—	—	—	—	
Dwelling, one-family	—	P (4)	P (4)	—	—	
Emergency shelter	—	—	—	MCUP	MCUP	
<u>Farmworker dwelling unit</u>	<u>MCUP</u>	<u>P</u>		<u>MCUP</u>		35.42.135
<u>Farmworker housing complex</u>	<u>—</u>	<u>—</u>		<u>—</u>		35.42.135
Mixed use project residential component	MCUP	P	P	MCUP	MCUP	35.42.200
Monastery	CUP	CUP	—	CUP	—	
Residential accessory use or structure	MCUP	P	P	MCUP	MCUP	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	P	
Single room occupancy facility (SRO)	—	—	—	P	MCUP	
Special care home, 6 or fewer clients	MCUP	P (4)	P (4)	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.24.030.C](#) (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Allowed only on a lot with no commercial use, and subject to all development standards of the R-1/E-1 zone except minimum lot size

SECTION 7:

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

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

RESIDENTIAL USES

Caretaker/Manager dwelling	—	MCUP	P	—	35.42.080
Dwelling, one-family	—	—	—	P	
Dwelling, two-family	—	—	—	P	
Dwelling, multiple	—	—	—	P	
Emergency shelter	P	P	—	MCUP	
Farmworker dwelling unit	MCUP	—	—	P	35.42.135
Farmworker housing complex	—	—	(4)	—	35.42.135
Mixed use project residential component	MCUP	—	—	P	35.42.200
Monastery	CUP	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	P	P	35.42.020
Residential use existing as of July 19, 1982	—	—	—	—	
Single room occupancy facility (SRO)	P	—	P	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	P	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone symbols

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

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.24.030.C (Commercial Zone Allowable Land Uses).
- (3) Includes miniature golf and practice/putting range.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

SECTION 8:

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

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

RESIDENTIAL USES

Caretaker/Manager dwelling	MCUP	—	—	—	—	35.42.080
Dwelling, one-family	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
<u>Farmworker dwelling unit</u>	<u>MCUP</u>		<u>—</u>	<u>MCUP</u>		35.42.135
<u>Farmworker housing complex</u>	<u>—</u>		<u>—</u>	<u>—</u>		35.42.135
Mixed use project residential component	—	MCUP	—	MCUP	MCUP	35.42.200
Monastery	CUP	—	CUP	CUP	—	
Residential accessory use or structure	MCUP	MCUP	—	MCUP	MCUP	
Residential use existing as of July 19, 1982	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 6 or fewer clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

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

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-22, Allowed Land Uses and Permit Requirements for Industrial Zones, of Section 35.25.030, Industrial Zones Allowable Land Uses, of Chapter 35.25, Industrial Zones, to read as follows:

Table 2-22 - Continued Allowed Land Uses and Permit Requirements for Industrial Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed							Specific Use Regulations
	PERMIT REQUIRED BY ZONE							
LAND USE (1)	M-RP	M-RP CZ	M-1	M-2	M-CR	M-CR CZ	M-CD CZ	

RESIDENTIAL USES

Emergency shelter	P	P	P	—	—	—	—	
Employee residence (3)	—	—	—	—	CUP	CUP	CUP	
<u>Farmworker dwelling unit</u>	<u>—</u>		<u>—</u>	<u>—</u>	<u>—</u>			35.42.135
<u>Farmworker housing complex</u>	<u>P</u>		<u>P</u>	<u>(4)</u>	<u>P</u>			35.42.135
Monastery	CUP	—	CUP	CUP	CUP	—	—	
Special care home	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	

Key to Zone Symbols

M-RP	Industrial Research Park	M-CR	Coastal-Related Industry
M-1	Light Industry	M-CD	Coastal-Dependent Industry
M-2	General Industry	CZ	Coastal Zone

Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.25.030.D](#) (Development Plan approval required).
- (3) Dwellings maybe allowed for the employees of the owner or lessee of the land engaged in a permitted use of the land upon which the dwelling is located.
- (4) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-24, Allowed Land Uses and Permit Requirements for Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-24 - Continued Allowed Land Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	MU	NTS	OT-R	OT-R/LC	OT-R/GC	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	—	MCUP	—	—	—	35.42.030
Agricultural employee housing, 5 or more employees	—	CUP	—	—	—	35.42.030
Caretaker/manager dwelling	P	—	—	—	—	
Dwelling, one-family	—	P (3)	P (3)	P (3)(4)	P (3)(4)	
Dwelling, two-family	—	—	P (4)	P (4)	P (4)	
Dwelling, multiple	P	—	P (4)	P (4)	P (4)	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	35.42.135
Farmworker housing complex	—	<u>P</u>	<u>P</u>	—	—	35.42.135
Guest house or artist studio	—	P	—	—	—	35.42.160
Home occupation	P	P	P (4)	P (4)	P (4)	35.42.190
Live/work unit	P	—	—	—	—	35.26.050
Mixed use development, residential component	P	—	—	—	—	35.26.050
Mobile home park	—	—	—	—	—	35.42.180
Monastery	—	—	CUP	CUP	CUP	
Residential accessory use or structure	P	P	P (4)	P (4)	P (4)	35.42.020
Residential project convenience facility	P	—	P (4)	—	—	35.42.220
Residential second unit	—	CUP (5)	P (6)	P (4)(6)	P (4)(6)	35.42.230
Single room occupancy facility (SRO)	—	—	—	P	P	
Special care home, 7 or more clients	MCUP	—	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

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

Notes:

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

SECTION 11:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-25, Allowed Land Uses and Permit Requirements for

Special Purpose Zones, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-25 - Continued Allowed Land Uses and Permit Requirements for the Special Purpose Zones	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Conditional Use Permit required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	PU	PU CZ	REC	REC CZ	TC CZ(3)	

RESIDENTIAL USES

Caretaker/manager dwelling	—	—	MCUP	MCUP	—	
Dwelling, one-family	—	—	—	—	—	
Dwelling, two-family	—	—	—	—	—	
Dwelling, multiple	—	—	—	—	—	
Emergency shelter	—	—	—	—	—	
Farmworker dwelling unit	—	—	—	—	—	35.42.135
Farmworker housing complex	P	—	—	—	—	35.42.135
Home occupation	—	—	—	—	—	
Mobile home park	—	—	—	—	—	
Monastery	—	—	—	CUP	CUP	
Residential accessory use or structure	—	—	—	—	—	
Residential project convenience facility	—	—	—	—	—	
Residential second unit	—	—	—	—	—	
Single room occupancy facility (SRO)	—	—	—	—	—	
Special care home, 7 or more clients	—	—	—	MCUP	MCUP	35.42.090

Key to Zone symbols

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

Notes:

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

SECTION 12:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.37 titled “Reasonable Accommodation” to read as follows:

Chapter 35.37 - Reasonable Accommodation

Sections:

[35.37.010 - Purpose](#)

[35.37.020 - Applicability](#)

[35.37.030 - Notice of Availability of Accommodation Process](#)

[35.37.040 - Contents of Application](#)

[35.37.050 - Processing](#)

[35.37.060 - Findings Required for Approval](#)

[35.37.070 - Effect of an approved Reasonable Accommodation on other project applications](#)

35.37.010 - Purpose

A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request

reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.

- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.37.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.37.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.37.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).
 - 1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - 2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
- B. Additional submittal requirements. The application shall include the following in addition to the standard submittal requirements.
 - 1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 - 2. The regulation or procedure from which accommodation is being requested.
 - 3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 - 4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the

Acts.

35.37.050 - Processing

A. Review authority and processing procedures.

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35.106 (Noticing and Public Hearings).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - d. The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Section 35.37.060 (Findings Required for Approval) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with Section 35.82.130 (Modifications) or Variance in compliance with Section 35.82.200 (Variances) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.

2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with Section 35.37.060 (Findings Required for Approval).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

35.37.060 - Findings Required for Approval

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

A. The project that is the subject of the request for reasonable accommodation:

1. Conforms to the applicable provisions of the Comprehensive Plan including applicable community and area plans.
2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.

B. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.

C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.

D. The accommodation will not impose an undue financial or administrative burden on the County and the community.

E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.

F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.

G. Any adverse impact that results from the accommodation is minimized to the extent feasible.

H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.

I. The project that is the subject of the request for reasonable accommodation:

1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.

4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.37.070 - Effect of an approved reasonable accommodation on other project applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35.82.070 (Design Review), then any approval or conditional approval of the project by the Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 13:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.42, Standards for Specific Land Uses, to add a new Section 35.42.135 titled "Farmworker Housing" and to read as follows:

Section 35.42.135 - Farmworker Housing

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.110.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.21 (Agricultural Zones), Chapter 35.22 (Resource Protection Zones), Chapter 35.23 (Residential Zones), Chapter 35.24 (Commercial Zones), Chapter 35.25 (Industrial Zones), and Chapter 35.26 (Special Purpose Zones).
- C. Farmworker housing requirements.**
 - 1. State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
 - 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.**
 - 3. Farmworker housing may be allowed, but not required, to be:**
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
 - 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:**
 - a. Seasonal or temporary farmworker housing, or

b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).

5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:

a. Fire Department.

b. Planning and Development Department.

c. Public Health Department.

d. Public Works Department.

6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:

a. The farmworker housing, including the number of units, spaces or beds.

b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.

c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. Allowed farmworker housing complex housing types. The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Article 35.2 (Zones and Allowable Land Uses).

a. **Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.

b. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-GOL, MT-TORO and RMZ zones.

c. **Residential zones.**

(1) RR, R-1/E-1, R-2 and EX-1 zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RR, R-1/E-1, R-2 and EX-1 zones.

(2) DR zone. The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.23.030 (Residential Zones Allowable Land Uses):

(a) Dwelling, multiple.

(b) A two-family dwelling.

(c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq.*

(d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).

d. Commercial zones. The following housing types may be permitted as a farmworker housing complex in the CH zone:

- (1) Adjacent lot zoned agriculture.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.
- (2) Adjacent lot zoned residential.** The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.
 - (a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.**
 - (b) Farmworker housing complexes other than those housing types listed in Subsection D.1.d(2)(a), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).**

e. Industrial zones.

- (1) M-RP, M-1 and M-CR zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-RP, M-1 and M-CR zones.
- (2) M-2 zone.** Housing types allowed on an adjacent lot zoned agricultural or residential may be permitted in the M-2 zone.

f. Special Purpose zones. The following housing types may be permitted as a farmworker housing complex in the NTS, OT-R and PU zones zone in compliance with the required permit(s) as specified in Tables 2-24 and 2-25 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) in Section 35.26.030 (Special Purpose Zones Allowable Land Uses):

- (1) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq. in the NTS, OT-R and PU zones.**
- (2) Farmworker housing complexes other than those housing types listed in Subsection D.1.f.(1), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits).**

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.

- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.**
- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-5 (Residential Parking Standards).**

- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Table 3-5 (Residential Parking Standards) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35.42.135 (Farmworker Housing) and all other applicable sections of the Development Code;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Section 35.42.135.C.6; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.108 (Enforcement and Penalties).

SECTION 14:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 8-1, Review Authority of Section 35.80.020, Authority for Land Use and Zoning Decisions, of Chapter 35.80, Permit Application Filing and Processing, to read as follows:

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Reasonable Accommodation	See Chapter 35.37 (Reasonable Accommodation) for applicable Review Authority			
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
Planning Permits				
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (3) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations			Decision	Appeal
Minor Conditional Use Permits		Decision	Appeal	Appeal
Modifications		Decision	Appeal	Appeal
Nonconforming Status & Extent of Damage Determinations		Decision		

Table 8-1 - Review Authority

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment and Removal Procedures	Decision		Appeal	Appeal
Overall Sign Plans	See Section 35.82.150 (Overall Sign Plans)			
Reclamation and Surface Mining Permits (5)			Decision	Appeal
Road Namings/Renamings	See Chapter 35.76 (Road Naming and Address Numbering)		Appeal	Appeal
Sign Certificates of Conformance	Decision		Appeal	Appeal
Sign Modifications		Decision	Appeal	Appeal
Use Determinations			Decision (6)	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

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

SECTION 15:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection A, Who may appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

A. Who may appeal. An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.

~~1. Appeals by members of the Coastal Commission. Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:~~

~~a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.102.060.D. (Decisions appealed to the Coastal Commission) below.~~

~~b. The final approval of projects under the jurisdiction of the Director, Commission, or Zoning~~

~~Administrator.~~

~~e. Decisions of the Board of Architectural Review.~~

SECTION 16:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator, of Subsection B, Timing and form of appeal, of Section 35.102.020, General Appeal Procedures, of Chapter 35.102, Appeals, to read as follows:

- 1. Appeals of decisions of the Board of Architectural Review, Director, Commission, or Zoning Administrator.**
 - a. Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Commission, or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as follows or as otherwise provided in this Development Code:
 - (1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35.56.070 \(Decision on Application to Defer Abandonment\)](#).
 - (2) Except as otherwise provided in this Development Code.

SECTION 17:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Director decisions, of Subsection A, Decisions appealed to the Commission, of Section 35.102.040, Appeals to the Commission, of Chapter 35.102, Appeals, to read as follows:

- 3. Director decisions.** The following decisions of the Director may be appealed to the Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Development Code.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued ~~Coastal Development Permit or Land Use Permit~~.
 - d. Any decision of the Director to approve, conditionally approve or deny an application for a ~~Coastal Development Permit or Land Use Permit~~ except as follows:
 - (1) Land Use Permits approved in compliance with [Section 35.42.260 \(Temporary Uses and Trailers\)](#) not including Subsection 35.42.260.G (Trailer Use).
 - e. Any decision of the Director to revoke an issued Zoning Clearance.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
 - h. Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.

- i. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

SECTION 18:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.106.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.106, Noticing and Public Hearings, to read as follows:

35.106.020 - Notice of Public Hearing and Review Authority Action

A. Minimum requirements. Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.37 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.82.070 (Design Review), Emergency Permits processed in compliance with Section 35.82.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.82.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.82.210 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before the scheduled public hearing or action by the review authority.
 - b. **Mailed notice.**
 - (1) **Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.80.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Chapter 35.44 (Telecommunications Facilities).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35.44.010 (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the

surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~

- (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.44.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
 - (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.
 - c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - d. **Contents of notice.** The contents of the notice shall be in compliance with [Section 35.106.080 \(Contents of Notice\)](#) below.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that ~~is~~ are under the jurisdiction of the Commission and require the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
 - (b) Applications for development that ~~is~~ are under the jurisdiction of the Commission and require the approval of a Development Plan in compliance with Section 35.82.080 (Development Plans), not including applications for Development Plans required solely in compliance with Section 35.21.030.C, Section 35.22.030.C.1, Section 35.23.030.C.1, and Section 35.25.030.D.1.a.
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 8-1 (Review Authority) of Chapter 35.80 (Permit Application Filing and Processing).

- (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
- (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
- (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 19:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to amend the existing definition of "Applicant" and "Family" to read as follows:

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; ~~or~~
3. Presents written authorization from the property owner to file an application with the County; ;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 20:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add the following new definitions of "Farm Employee Dwelling," "Farmworker Housing," "Individual With a Disability," "Reasonable Accommodation" and "Request for Reasonable Accommodation" to read as follows:

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.42.135 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 21:

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

SECTION 22:

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

SECTION 23:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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ATTACHMENT 11: RESOLUTION 15-13 MONTECITO LUDC

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

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-2, THE SANTA BARBARA COUNTY)
MONTECITO LAND USE AND DEVELOPMENT CODE,)
OF CHAPTER 35, ZONING, OF THE COUNTY CODE,) RESOLUTION NO.: 15 - 13
AMENDING DIVISION 35.2, MONTECITO ZONES AND)
ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO) CASE NO.: 15ORD-00000-00013
SITE PLANNING AND OTHER PROJECT STANDARDS,)
DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC)
LAND USES, DIVISION 35.7, MONTECITO PLANNING)
PERMIT PROCEDURES, DIVISION 35.9, MONTECITO)
LAND USE AND DEVELOPMENT CODE)
ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO)
IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023)
HOUSING ELEMENT UPDATE REGARDING THE)
DEFINITION OF FAMILY, FARM EMPLOYEE HOUSING)
STATE REQUIREMENTS, AND REASONABLE)
ACCOMMODATIONS FOR INDIVIDUALS WITH)
DISABILITIES, AND MAKE OTHER MINOR)
CLARIFICATIONS, CORRECTIONS AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00013) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections and revisions.
Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that (1) promote the development of farm employee housing, (2) require the provision of reasonable accommodations to individuals with disabilities so that they can enjoy the housing of their choice, and (3) allow individuals that occupy group homes licensed by the State to be considered a family. The proposed Ordinance also corrects and clarifies existing text provisions.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARM EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00013

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

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to delete Chapter 35.421, Agricultural Zone, in its entirety, and to reserve the chapter number for future use.

SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend the Residential Uses section of Table 2-4, Allowed Land Uses and Permit Requirements for Resource Protection Zone, of Section 35.422.030, Resource Protection Zone Allowable Land Uses, of Chapter 35.422, Resource Protection Zone, to read as follows:

Table 2-4 Allowed Land Uses and Permit Requirements for Resource Protection Zone	E	Allowed use, no permit required (Exempt)
	P	Permitted use, Land Use or Coastal Permit required (2)
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
LAND USE (1)	PERMIT REQUIRED BY ZONE	
	RMZ	
		Specific Use Regulations
RESIDENTIAL USES		
Guesthouse	P	35.442.120
Home occupation	P	35.442.130
Dwelling, one-family	P	
<u>Farmworker dwelling unit</u>	<u>P</u>	35.442.105
<u>Farmworker housing complex</u>	<u>CUP</u>	35.442.105
Residential accessory uses and structures	P	35.422.030.E
Special care home, 7 or more clients	CUP	35.442.070

Key to Zone Symbols

RMZ	Resource Management
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Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.422.030.C (Development Plan approval required).

SECTION 3:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-7, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-7 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
AGRICULTURAL, MINING, & ENERGY FACILITIES					
Agricultural accessory structure	P	P	P	P	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Greenhouse - commercial or noncommercial, 300 sf or less	P	P	P	P	35.442.110
Greenhouse - commercial or noncommercial, greater than 300 sf to less than 800 sf	CUP	CUP	CUP	CUP	35.442.110
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community center	P	P	P	P	
Conference center	—	CUP	—	—	35.442.080
Country club, swim and tennis club	CUP	CUP	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playgrounds - Commercial	—	—	—	—	
Park, playgrounds - Private	—	—	—	—	
Park, playground - Public	P	P	P	P	
Private residential recreation facility	—	—	—	—	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	
RESIDENTIAL					
Artist studio	P	P	—	—	35.442.120
Dwelling, one-family (3)	P	P	P	P	35.442.140
Dwelling, two-family	—	—	P	P	
Dwelling, multiple	—	—	—	—	
Farmworker dwelling unit	P (3)		P (3)		35.442.105
Farmworker housing complex	CUP		CUP		35.442.105
Guesthouse	P	P	—	—	35.442.120
Home occupation	P	P	P	P	35.442.130
Mobile home park	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.)	—	—	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	—	—	—	—	
Residential second unit	P	P	—	—	35.442.160
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.442.140 (Mobile Homes on Foundations).

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	
Table 2-7 - Continued	E	Allowed use, no permit required (Exempt)			
Allowed Land Uses and Permit Requirements for Residential Zones	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
SERVICES					
Cemetery	—	CUP	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	—	—	—	—	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	CUP	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	CUP	—	—	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).

Table 2-7 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public safety facility (7 6)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	E	P	E	P	

Key to Zone Symbols

R-1/E-1	Single-Family Residential	CZ	Coastal Zone
R-2	Two-Family Residential		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.423.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- ~~(5) Not allowed in the VC overlay.~~
- ~~(6 5) Not applicable to facilities constructed by the County outside of the Coastal Zone.~~
- ~~(7 6) May include paramedic services associated with a fire station.~~
- ~~(8) Limited to a maximum of 199 connections.~~

SECTION 4:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones, to read as follows:

Table 2-8 Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	—	—	—	—	35.442.020
Animal keeping (except for equestrian facilities- see RECREATION below)	S	S	S	S	35.442.040
Cultivated agriculture, orchard, vineyard	—	—	—	—	
Greenhouse, commercial or noncommercial 300 sf or more	P (3)	P (3)	—	—	35.442.110
Greenhouse, commercial or noncommercial greater than 300 sf to less than 800 sf	—	—	—	—	

RECREATION, EDUCATION & PUBLIC ASSEMBLY

Community center	P	P	—	—	
Conference center	—	—	—	—	
Country club, swim and tennis club	—	—	—	—	
Equestrian facilities	—	—	—	—	
Golf course	CUP	CUP	—	—	
Golf driving range	—	—	—	—	
Library	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Parks, playgrounds - Commercial	—	—	—	—	
Parks, playgrounds - Private	—	—	—	—	
Parks, playground - Public	P	P	—	—	
Private residential recreation facility	P	P	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

Key to Zone Symbols

DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
- (3) Non-commercial only.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

RESIDENTIAL					
Artist studio	—	—	—	—	
Dwelling, one-family	P	P	P	P	
Dwelling, two-family	P	P	P	P	
Dwelling, multiple	P	P	P	P	
<u>Farmworker dwelling unit</u>	<u>P</u>		<u>P</u>		35.442.105
<u>Farmworker housing complex</u>	<u>P</u>		<u>—</u>		35.442.105
Guesthouse	—	—	—	—	
Home occupation	P	P	P	P	35.442.130
Mobile home parks	CUP	CUP	CUP	CUP	
Organizational house (fraternity, sorority, etc.) (3)	CUP	CUP	—	—	
Residential accessory use or structure	P	P	P	P	35.442.020
Residential project convenience facilities	P	P	P	P	
Residential second unit	—	—	—	—	
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

SERVICES					
Cemetery	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Mausoleum	—	—	—	—	
Medical services - Clinic	—	—	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Mortuary	—	—	—	—	
Mortuary, accessory to cemetery	—	—	—	—	

Key to Zone Symbols			
DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

- Notes:**
- (1) See Division 35.10 (Glossary) for land use definitions.
 - (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
 - (3) Limited to student housing facilities located in an area where such facilities are to be used by students of a permitted educational facility.

Table 2-8 - Continued Allowed Land Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Drainage channel, watercourse, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, watercourse, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public safety facility (7 6)	CUP	CUP	CUP	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	35.444
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES					
Pipeline - Water, reclaimed water, wastewater less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,00 sf total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	P	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (8)	CUP	CUP (8)	
Water well, agricultural	—	—	—	—	

Key to Zone Symbols			
DR	Design Residential	CZ	Coastal Zone
PRD	Planned Residential Development		

- Notes:**
- (1) See Division 35.10 (Glossary) for land use definitions.
 - (2) Development Plan approval may also be required; see Section 35.423.030.C (Development Plan approval required).
 - (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
 - (4) Does not include electrical transmission lines outside the jurisdiction of the County.
 - (5) ~~Not allowed in the VC overlay.~~
 - (6 5) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~
 - (7 6) May include paramedic services associated with a fire station.
 - (8) ~~Limited to a maximum of 199 connections.~~

SECTION 5:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 2-12, Allowed Land Uses and Permit Requirements for Commercial Zones, of Section 35.424.030, Commercial Zones Allowable Land Uses, of Chapter 35.424, Commercial Zones, to read as follows:

Table 2-12 Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
AGRICULTURAL, MINING & ENERGY FACILITIES					
Animal keeping	S	S	S	S	35.442.040
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Campground	—	—	—	CUP	
Conference center	—	—	—	P	35.442.080
County club, swim and tennis club	—	—	—	P	
Equestrian facility	—	—	CUP	CUP	
Fairgrounds	—	—	—	—	
Golf course	—	—	P	P	
Golf driving range	—	—	P	P	
Library	P	P	CUP	CUP	
Meeting facility, public or private	CUP	CUP	CUP	CUP	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	CUP	CUP	CUP	
Park, playground - Public	—	—	P	P	
School	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facility	CUP	CUP	CUP	CUP	
Studio - Art, dance, martial arts, music, etc.	P	P	—	—	
Theater - Performing arts, 100 person maximum capacity	CUP	CUP	—	—	
Trail	—	—	P	P	
RESIDENTIAL USES					
Caretaker/Manager dwelling	—	—	CUP	CUP	35.442.060
<u>Farmworker dwelling unit</u>	<u>CUP</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>35.442.105</u>
<u>Farmworker housing complex</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>35.442.105</u>
Home occupation	P	P	P	P	35.442.130
Mixed use project residential component - market rate	CUP	CUP	—	CUP	35.424.050
Mixed use project residential component - 1 unit (3)	P	P	P	P	35.424.050
Mixed use project residential component 2 to 4 units (3)	CUP	CUP	CUP	CUP	35.424.050
Special care home, 7 or more clients	CUP	CUP	CUP	CUP	35.442.070

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Must comply with standards of Section 35.424.050.A (Mixed use affordable residential unit standards) or 35.424.060.D (Mixed use affordable residential unit standards) as applicable to the specific zone.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	
RETAIL TRADE					
Drive-through facility	CUP	CUP	—	—	35.442.100
General retail	P	P	—	—	
Grocery and specialty food stores	P	P	—	—	
Health club, spa	P	P	P (3)	P (3)	
Restaurant, café, coffee shop	P	P	P (3)	P (3)	
Service station	P	P	—	—	35.442.050
Visitor serving commercial	—	—	P (3)	P (3)	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Bank, financial services	P	P	—	—	
Business support service	P	P	—	—	
Drive-through facility	CUP	CUP	—	—	35.442.100
Medical services - Clinic, urgent care	P	P	—	—	
Medical services - Doctor office	P	P	—	—	
Medical services - Extended care	CUP	CUP	CUP	CUP	
Medical services - Hospital	CUP	CUP	CUP	CUP	
Office - Business/service	P	P	—	—	
Office - Professional/administrative	P	P	—	—	
Public safety facility	P	P	—	—	
SERVICES - GENERAL					
Cemetery, mausoleum	—	—	—	—	
Charitable or philanthropic organization	—	—	—	—	
Large family day care home	P	P	P	P	35.442.070
Small family day care home	E	E	E	E	35.442.070
Child care center, Non-residential	CUP	CUP	CUP	CUP	35.442.070
Child care center, Non-residential, accessory	P	P	P	P	35.442.070
Child care center, Residential	CUP	CUP	CUP	CUP	35.442.070
Drive-through, facility	CUP	CUP	—	—	35.442.100
Furniture repair accessory to furniture store or interior decorator	CUP	CUP	—	—	
Lodging, Hotel or Motel	—	—	—	P	
Lodging - Resort hotel, guest ranch	—	—	P	P	35.424.060
Personal services	P	P	P (3)	P (3)	
Vehicle services - Minor maintenance/repair	P	P	—	—	35.442.050

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Use only allowed accessory and incidental to an approved resort or guest ranch.

Table 2-12 - Continued Allowed Land Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Drainage channel, water course, storm drain less than 20,000 sf	—	P	—	P	
Drainage channel, water course, storm drain 20,000 sf or more	—	CUP	—	CUP	
Electrical substation - Minor (3)	CUP	CUP	CUP	CUP	
Electrical substation - Major (3)	CUP	—	CUP	—	
Electrical transmission line (4)	CUP	CUP (5)	CUP	CUP (5)	
Flood control project less than 20,000 sf total area (6 5)	—	P	—	P	
Flood control project 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Public works and utilities	CUP	CUP	CUP	CUP	
Road, street less than 20,000 sf total area (6 5)	—	P	—	P	
Road, street 20,000 sf or more total area (6 5)	—	CUP	—	CUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	
Utility service line with 4 or fewer connections (6 5)	—	P	—	P	
Utility service line with 5 or more connections (6 5)	—	CUP	—	CUP	

WATER SUPPLY & WASTEWATER FACILITIES

Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	—	P	—	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	—	CUP	—	CUP	
Reservoir, less than 20,000 sf of total development	CUP	P	CUP	P	
Reservoir, 20,000 sf or more of total development	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual, alternative	CUP	CUP	CUP	CUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station	CUP	CUP	CUP	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 or more connections	CUP	CUP (7)	CUP	CUP (7)	

Key to Zone Symbols

CN	Neighborhood Commercial	CZ	Coastal Zone
CV	Resort/Visitor Serving Commercial		

Notes:

- (1) See Division 35.10 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see 35.424.030.C (Development Plan approval required).
- (3) Shall comply with the requirements of the PU zone; see Table 2-15 (Special Purpose Zones Development Standards) and Section 35.425.050 (PU Zone Standards).
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) ~~Not allowed in VC overlay.~~
- (6 5) Not applicable to facilities constructed by the County ~~outside of the Coastal Zone.~~
- (7) ~~Limited to a maximum of 199 connections.~~

SECTION 6:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to add a new Chapter 35.437 titled “Reasonable Accommodation” to read as follows:

Chapter 35.437 - Reasonable Accommodation

Sections:

35.437.010 - Purpose

35.437.020 - Applicability

35.437.030 - Notice of Availability of Accommodation Process

35.437.040 - Contents of Application

35.437.050 - Processing

35.437.060 - Findings Required for Approval

35.437.070 - Effect of an approved Reasonable Accommodation on other project applications

35.437.010 - Purpose

- A. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.
- B. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- C. This Chapter shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

35.437.020 - Applicability

- A. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Development Code that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Chapter applies only to those individuals who qualify as disabled under the Acts.
- B. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - 1. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - 2. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - 3. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
- C. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

35.437.030 - Notice of Availability of Accommodation Process

Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

35.437.040 - Contents of Application

- A. An application for reasonable accommodation shall be submitted in compliance with Chapter 35.470 (Permit Application and Filing and Processing).
 - 1. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.

2. If the project for which the application is being made also requires some other discretionary approval under this Development Code, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.

B. Additional submittal requirements. The application shall include the following in addition to the standard submittal requirements.

1. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
2. The regulation or procedure from which accommodation is being requested.
3. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

35.437.050 - Processing

A. Review authority and processing procedures.

1. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Development Code, then the Director shall be the review authority for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - a. Notice of the application for reasonable accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35.496 (Noticing and Public Hearings).
 - b. The Director shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - c. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
 - d. The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
2. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Development Code, then:
 - a. The review authority for the related discretionary application shall be the review authority for the application for reasonable accommodation.
 - b. The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - c. The review authority shall review the application for reasonable accommodation for compliance with the Comprehensive Plan including the Montecito Community Plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The review authority shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - d. The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

B. Standards for approval.

1. The review authority shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Section 35.437.060 (Findings Required for Approval) can first be made.
2. An application for reasonable accommodation granted in compliance with this Chapter shall not require the approval of any Modification in compliance with Section 35.472.120 (Modifications) or Variance in compliance with Section 35.472.180 (Variances) as to the reasonable accommodation.

C. Conditions of approval. The review authority may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Chapter to further fair housing. Such conditions include:

1. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
2. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
3. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

D. Written determination. The review authority shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

1. Explains the basis of the decision and includes the findings required in compliance with Section 35.437.060 (Findings Required for Approval).
2. Includes notice of the right to appeal and the appeals process.

E. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

35.437.060 - Findings Required for Approval

An application for reasonable accommodation shall be approved or conditionally approved only if the review authority, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

A. The project that is the subject of the request for reasonable accommodation:

1. Conforms to the applicable provisions of the Comprehensive Plan including the Montecito Community Plan.
2. Conforms to the applicable provisions of this Development Code and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.

B. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.

C. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.

D. The accommodation will not impose an undue financial or administrative burden on the County and the community.

E. The accommodation will not require a fundamental alteration of the regulations or procedures of this Development Code.

F. The accommodation will not waive a requirement for a Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Development Code.

G. Any adverse impact that results from the accommodation is minimized to the extent feasible.

- H. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Development Code.
- I. The project that is the subject of the request for reasonable accommodation:
1. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.
 2. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
 3. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
 4. If located in a Rural area as designated on the Comprehensive Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

35.437.070 - Effect of an approved reasonable accommodation on other project applications

If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35.472.070 (Design Review), then any approval or conditional approval of the project by the Montecito Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 7:

DIVISION 35.4, Montecito Standards for Specific Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Chapter 35.442, Standards for Specific Land Uses, to add a new Section 35.442.105 titled "Farmworker Housing" and to read as follows:

Section 35.442.105 - Farmworker Housing

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.500.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.422 (Resource Protection Zones), Chapter 35.423 (Residential Zones) and Chapter 35.424 (Commercial Zones).
- C. Farmworker housing requirements.**
- 1. State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.

2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).
5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

1. **Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Division 35.2 (Montecito Zones and Allowable Land Uses).
 - a. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RMZ zone.
 - b. **Residential zones.**
 - (1) **R-1/E-1 and R-2 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the R-1/E-1 zones.
 - (2) **DR zone.** The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-8 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.423.030 (Residential Zones Allowable Land Uses):
 - (a) Dwelling, multiple.
 - (b) A two-family dwelling.
 - (c) Multiple detached single-family units on one lot subject to any applicable

requirements of the Subdivision Map Act, Government Code Section 66410 et seq.

- (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).

- 2. Farmworker dwelling unit density requirements.** Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.
- 3. Parking.** The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.
- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Table 3-4 (Residential Parking Standards).
- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Table 3-4 (Residential Parking Standards) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35.442.105 (Farmworker Housing) and all other applicable sections of the Development Code;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Section 35.442.105.C.6; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.498 (Enforcement and Penalties).

SECTION 8:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Table 7-1, Review Authority of Section 35.470.020, Authority for

Land Use and Zoning Decisions, of Chapter 35.470, Permit Application Filing and Processing, to read as follows:

Table 7-1 - Review Authority

Type of Action	Role of Review Authority (1)		
	Director	Montecito Planning Commission	Board of Supervisors
Administrative and Legislative			
Development Code Amendments		Recommend	Decision
Comprehensive Plan Amendments		Recommend (2)	Decision
Interpretations	Decision	Appeal	Appeal
<u>Reasonable Accommodation</u>	<u>See Chapter 35.437 (Reasonable Accommodation) for applicable Review Authority</u>		
Specific Plans and Amendments		Recommend	Decision
Zoning Map Amendments		Recommend (3)	Decision
Planning Permits			
Conditional Use Permits		Decision	Appeal
Design Review	See Footnote (4) below		
Development Plans	See Table 8-2 (Development Plan Review Authorities) in Section 35.82.080 (Development Plans) for applicable Development Plan Thresholds		
Emergency Permits	Decision		
Hardship Determinations		Decision	
Land Use Permits	Decision	Appeal	Appeal
Modifications		Decision	Appeal
Overall Sign Plans		Decision	Appeal
Reclamation and Surface Mining Permits (5)		Decision	Appeal
Road Namings/Renamings	<u>See Chapter 35.460 (Road Naming and Address Numbering)</u>		Appeal
Sign Certificates of Conformance	Decision	Appeal	Appeal
Sign Conditional Use Permits		Decision	Appeal
Sign Modifications		Decision	
Use Determinations		Decision	Appeal
Variances		Decision	Appeal
Zoning Clearances	Decision		

Notes:

- (1) "Recommend" identifies that the review authority makes a recommendation to a higher decision-making body; "Decision" identifies that the review authority makes the final decision on the matter; "Appeal" identifies that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Chapter 35.492 \(Appeals\)](#).
- (2) In situations where the Comprehensive Plan Amendment would also have effect outside of the Montecito Community Plan Area, the recommendation of the Montecito Planning Commission shall be to the County Planning Commission who shall make a recommendation to the Board.
- (3) The decision of the Montecito Commission to recommend denial of a Zoning Map Amendment is not transmitted to the Board absent the filing of an appeal or a written request for a hearing is filed with the Clerk of the Board within the five calendar days after the Montecito Commission files its recommendation with the Board.
- (4) The Montecito Board of Architectural Review shall make decisions on all Design Reviews; the decision of the Montecito Board of Architectural Review is appealable to the Montecito Commission; the decision of the Montecito Commission is appealable to the Board.
- (5) The Director shall be the review authority on amendments to Reclamation Plans that are required in order to incorporate an interim management plan that is required due to a surface mining operation becoming idle.

SECTION 9:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection A, Who may appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

- A. Who may appeal.** An appeal may only be filed by an applicant or any aggrieved person. An aggrieved person is defined as any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing or decision, informed the review authority of the nature of their concerns or who for good cause was unable to do either.
- ~~1. Appeals by members of the Coastal Commission.~~ Within the Coastal Zone, the following decisions on applications for projects that are defined as appealable development may be appealed by any two members of the Coastal Commission:
- ~~a. Decisions by the Director on the approval, denial, or revocation of Coastal Development Permits, except for those actions on Coastal Development Permits which may be appealed to the Coastal Commission in compliance with Subsection 35.492.060.D. (Decisions appealed to the Coastal Commission) below.~~
 - ~~b. The final approval of projects under the jurisdiction of the Director or Montecito Commission.~~
 - ~~c. Decisions of the Montecito Board of Architectural Review.~~

SECTION 10:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission, of Subsection B, Timing and form of appeal, of Section 35.492.020, General Appeal Procedures, of Chapter 35.492, Appeals, to read as follows:

- 1. Appeals of decisions of the Montecito Board of Architectural Review, Director, or Montecito Commission.**
- a. Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Montecito Board of Architectural Review, Director, or Montecito Commission shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as otherwise provided in this Development Code:
 - b. Form of appeal.** The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Subsection C. (Requirements for contents of an appeal) below, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this Chapter, including scheduling the matter before the applicable review authority.

SECTION 11:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the

County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 3, Director decisions, of Subsection A, Decisions appealed to the Montecito Commission, of Section 35.492.040, Appeals to the Montecito Commission, of Chapter 35.492, Appeals, to read as follows:

- 3. Director decisions.** The following decisions of the Director may be appealed to the Montecito Commission:
- a. Any determination on the meaning or applicability of the provisions of this Development Code.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued ~~Coastal Development Permit or~~ Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve or deny an application for a ~~Coastal Development Permit or~~ Land Use Permit ~~except as follows:~~
 - (1) ~~Land Use Permits approved in compliance with Section 35.442.180 (Temporary Uses and Trailers) not including Subsection 35.442.180.G (Trailer Use).~~
 - e. Any decision of the Director to revoke an issued Zoning Clearance.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated review authority.
 - h. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

SECTION 12:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.496.020, Notice of Public Hearing and Review Authority Action, of Chapter 35.496, Noticing and Public Hearings, to read as follows:

35.496.020 - Notice of Public Hearing and Review Authority Action

- A. Minimum requirements.** Except for decisions on applications for Reasonable Accommodation processed in compliance with Chapter 35.437 (Reasonable Accommodation) that are under the jurisdiction of the Director and are not processed in conjunction with a discretionary application, Design Review processed in compliance with Section 35.472.070 (Design Review), Emergency Permits processed in compliance with Section 35.472.090 (Emergency Permits), Land Use Permits processed in compliance with Section 35.472.110 (Land Use Permits), Zoning Clearances processed in compliance with Section 35.472.190 (Zoning Clearances), and Time Extensions that are under the jurisdiction of the Director, notice shall be given by the Department in compliance with Government Code Sections 65090-65096 for all other applications that require a noticed public hearing or notice of review authority action. Each notice shall comply with the following minimum requirements.
- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days

before the scheduled public hearing or action by the review authority.

b. Mailed notice.

- (1) **Notice of filing of an application.** Notice of the filing of an application shall be mailed within the 15 calendar days following the Department's determination in compliance with Section 35.470.050 (Initial Application Review) that an application is complete for processing to:
 - (a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - (b) The applicant.
 - (c) The owner of the subject lot, if different from the applicant.
 - (d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (e) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with [Chapter 35.444 \(Telecommunications Facilities\)](#).
 - (f) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - (g) Owners and residents of property located within a 1,000-foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with [Section 35.444.010 \(Commercial Telecommunication Facilities\)](#), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area. ~~The names and addresses used for the notice shall be those shown on the equalized County assessment roll, as updated from time to time.~~
 - ~~(h) If the subject lot is located in the Coastal Zone, all residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- (2) **Notice of public hearing or review authority action.** Notice of public hearing or review authority action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.(1), above.
- (3) **Optional notice to more than 1,000 owners of property.** If the number of owners to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide the notice required by Subsections A.1.a and A.1.b.(2), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days before the scheduled hearing or action.

- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - d. **Contents of notice.** The contents of the notice shall be in compliance with [Section 35.496.080 \(Contents of Notice\)](#) below.
 - e. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
- a. **Posted notice.**
 - (1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
 - (2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:
 - (a) Applications for development that require the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - (b) Applications for development that require the approval of a Development Plan in compliance with Section 35.472.080 (Development Plans).
 - (c) Applications for legislative actions under the jurisdiction of the Board as the designated review authority in compliance with Table 7-1 (Review Authority) of Chapter 35.470 (Permit Application Filing and Processing).
 - (3) Said notice shall be posted by the applicant:
 - (a) At least 10 days before the scheduled public hearing or review authority action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.
 - (b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.
 - (4) The notice shall be required to be continuously posted from the date required by Subsection A.2.a.(3) above until at least 10 days following an action of the review authority to approve, conditionally approve, or deny the application, including an action on an appeal of the decision of the review authority.
 - (5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation with the Department no later than 10 days before the scheduled initial public hearing or action by the review authority. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the review authority.

SECTION 13:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and

Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definition of “Applicant” and “Family” to read as follows:

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Development Code, and who presents written authorization from the property owner to file an application with the County; ~~or~~
3. Presents written authorization from the property owner to file an application with the County- ;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of the Development Code.

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group organization~~. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

SECTION 14:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following new definitions of “Farm Employee Dwelling,” “Farmworker Housing,” “Individual With a Disability,” “Reasonable Accommodation” and “Request for Reasonable Accommodation” to read as follows:

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35.442.105 (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).

5. Temporary employee housing. A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 15:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definition of "Agricultural Employee Housing."

SECTION 16:

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 17:

Except as amended by this Ordinance, Divisions 35.2, 35.3, 35.4, 35.7, 35.9 and 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 18:

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

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

ATTACHMENT 12: RESOLUTION 15-16 ARTICLE II CZO

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

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF AN)
AMENDMENT TO THE SANTA BARBARA COUNTY)
ARTICLE II COASTAL ZONING ORDINANCE, OF)
CHAPTER 35 OF THE COUNTY CODE, AMENDING) RESOLUTION NO.: 15 - 16
DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS,)
DIVISION 7, GENERAL REGULATIONS, AND DIVISION) CASE NO.: 15ORD-00000-00014
12, ADMINISTRATION, TO IMPLEMENT CERTAIN)
PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT)
UPDATE REGARDING THE DEFINITION OF FAMILY,)
FARMWORKER EMPLOYEE HOUSING STATE)
REQUIREMENTS, AND REASONABLE)
ACCOMMODATIONS FOR INDIVIDUALS WITH)
DISABILITIES, AND MAKE OTHER MINOR)
CLARIFICATIONS, CORRECTIONS AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County, to recommend to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00014) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations and make other minor clarifications, corrections and revisions.

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

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Community and Area Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to implement the requirements of State law that (1) promote the development of affordable housing and farmworker housing, (2) require the provision of reasonable accommodations to individuals with disabilities so that they can enjoy the housing of their choice, and (3) allow individuals that occupy group homes licensed by the State to be considered a family. The proposed Ordinance also corrects and clarifies existing text provisions.
- E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

EXHIBIT 1

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, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT CERTAIN PROGRAMS OF THE 2015 - 2023 HOUSING ELEMENT UPDATE REGARDING THE DEFINITION OF FAMILY, FARMWORKER EMPLOYEE HOUSING STATE REQUIREMENTS, AND REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 15ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Table 1-1, Decision-maker Authority, of Section 35-57C, Authority for Land Use and Zoning Decisions, to read as follows:

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative and Legislative				
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend (2)	Decision
Reasonable Accommodation	See Section 35-144Q (Reasonable Accommodation) for applicable Decision-Maker			
Specific Plans and Amendments			Recommend	Decision
Planning Permits				
Coastal Development Permits (Section 35-169.4.1) (3) (4)	Decision		Appeal	Appeal
Coastal Development Permits (Section 35-169.4.2)		Decision	Appeal	Appeal
Coastal Development Permits (Section 35-169.4.3)	See Footnote (5) below			
Conditional Certificate of Compliance		Decision	Appeal	Appeal
Conditional Use Permits, Major			Decision	Appeal
Conditional Use Permits, Minor		Decision	Appeal	Appeal
Design Review	See Footnote (6) below			
Development Plans	See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.			
Emergency Permits	Decision			
Hardship Determinations		Decision	Appeal	Appeal
Land Use Permits (4)	Decision		Appeal	Appeal
Limited Exception Determinations (Section 35-161.7)			Decision	Appeal
Lot Line Adjustments	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Modifications		Decision	Appeal	Appeal
Oil and Gas Exploration and Production Plans			Decision	Appeal
Oil/Gas Land Uses - Abandonment	Decision		Appeal	Appeal

Table 1-1 - Decision-maker Authority

Type of Action	Role of Decision-maker (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
and Removal Procedures				
Reclamation and Surface Mining Permits			Decision	Appeal
Road Namings and Renamings	See Section 35-144N (Road Naming and Address Numbering)		Appeal	Appeal
Tentative Maps	See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.			
Use Determinations			Decision	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Section 35-182 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the decision-maker for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review, shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

SECTION 2:

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

Family. One or more persons occupying premises and living as a single ~~non-profit~~ housekeeping unit not operated for profit, as distinguished from ~~a group~~ two or more persons occupying a boarding or lodging house, hotel, club, or similar ~~dwelling for group use~~ structure used for residential purposes. A family shall not include a fraternal, religious, social, or business ~~group~~ organization. A family shall be deemed to include domestic servants employed by the family. A family shall also be deemed to include the clients and operators of a residential facility licensed by the State that serves six or fewer clients.

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 hereby amended to amend Section 35-58, Definitions, to add the following new definitions of “Agricultural Employee Housing,” “Applicant,” “Farm Employee Dwelling,” “Farmworker Housing,” “Individual With a Disability,” “Reasonable Accommodation” and “Request for Reasonable Accommodation” to read as follows:

Agricultural Employee Housing. A dwelling occupied by one or more agricultural employees including family members.

Applicant. A person who is filing an application requesting an action who:

1. Is the owner or lessee of property;
2. Has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Article, and who presents written authorization from the property owner to file an application with the County;
3. Presents written authorization from the property owner to file an application with the County;
4. Is a person, business or organization making a written request to the County for reasonable accommodation in the strict application of this Article.

Farm Employee Dwelling. See Agricultural Employee Housing. Also includes farmworker employee housing.

Farmworker Housing. The following terms and phrases are defined for the purposes of Section 35-144P (Farmworker Housing).

1. **Farmworker.** An agricultural employee as defined in the California Labor Code Section 1140.4(b).
2. **Farmworker employee housing.** Any housing accommodation that provides housing for farmworkers and complies with the California Health and Safety Code. Farmworker employee housing consists of either of the following:
 - a. **Farmworker dwelling unit.** A single-family dwelling that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Article.
 - b. **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.
3. **Permanent employee housing.** Any labor camp which is not temporary or seasonal(California Health and Safety Code Section 17010(c)).
4. **Seasonal employee housing.** Any camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year (California Health and Safety Code Section 17010(b)).
5. **Temporary employee housing.** A labor camp which is not operated on the same site annually and which is established for one operation and is then removed (California Health and Safety Code Section 17010(a)).

Individual With a Disability. A qualifying individual in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, but not including an individual's current, illegal use of a controlled substance.

Reasonable Accommodation. Providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.

Request for Reasonable Accommodation. A request to modify zoning regulations or procedures in order to give individuals with disabilities an equal opportunity to use and enjoy a dwelling.

SECTION 4:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code is hereby amended to amend Section 35-144C, Density Bonus for Affordable Housing Projects, to read as follows:

Section 144C. Density Bonus for Affordable Housing Projects.

Section 35-144C.1 Purpose and Intent

~~The purpose of this Section is to implement Housing Element Policy 1.1 (Density Bonus) and the State mandated density bonus program (Government Code Section 65915-65918 or successor statute(s)) to provide lower income housing units. The intent of the density bonus program is to provide incentives to developers to produce lower income housing units.~~

The purpose of this Section is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the County. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code 65915 through 65918 are implemented (1) in a manner that is consistent with the policies the Comprehensive Plan and the Coastal Land Use Plan, and (2) in a manner that is consistent with the policies of Chapter 3 of the Coastal Act.

Section 35-144C.2 Applicability and Eligibility for Density Bonus Program, Incentives or Concessions.

~~A new housing development of five or more dwelling units (excluding any density bonus units) is eligible for the Density Bonus Program and is considered a "qualifying housing development" if it complies with the requirements of this Section and falls within one or more of the subcategories listed pursuant to Government Code Section 65915-65918 or successor statutes.~~

~~Density Bonus Projects Pursuant to Government Code Section 65915.~~

- ~~1. At least 20 percent of the dwelling units are targeted for sale or rent to low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 20 percent of the total units.~~
- ~~2. At least 10 percent of the dwelling units are targeted for sale or rent to very low income households (as defined in the Housing Guidelines). The density bonus shall not be included when determining the number of housing units which is equal to 10 percent of the total units.~~
- ~~3. At least 50 percent of the dwelling units are specifically designed and targeted for sale or rent to persons who are "qualifying residents" or as defined in California Civil Code Section 51.2 and 51.3. The density bonus shall not be included when determining the number of housing units which is equal to 50 percent of the total units.~~

1. Applicability. This Section only applies to a "housing development", as defined in Government Code Section 65915(i), that comply with the following:

- a. The development is for the type of housing specified in Government Code Section 65915(b)(1), (b)(2) or (b)(3).
- b. The land use designations in the Coastal Land Use Plan allow development of at least five residential units on a lot or lots where the project is located, and the project proposes a housing development of five or more dwelling units.

2. Eligibility for Density Bonus, Incentives or Concessions.

- a. **Residential units.** The County shall grant a density bonus and other incentives or concessions to applicants for residential projects who agree to provide affordable or senior housing pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.
- b. **Land donations and child care facilities.** The County shall grant an additional density bonus or other incentives or concessions to applicants for residential projects who agree to donate land for affordable housing development and/or provide a child care facility pursuant to the provisions of Government Code Sections 65915 through 65918, provided that the project (as modified to include a density bonus, incentives, or concessions) is found consistent with all applicable policies and provisions of the Local Coastal Program.

Section 35-144C.3 Effect of the Density Bonus Program Allowed Density Bonuses.

~~When a developer proposes a qualifying housing development within the jurisdiction of the County, the County shall provide one of the two following development incentives:~~

- ~~1. A density bonus of 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use designation, plus at least one additional development incentive identified in Section 35-144C.4. The additional incentive shall not be provided if the County makes the written finding as required by Government Code Section 65915(B)(3).~~
- ~~2. Other incentives of equivalent financial value based upon the land cost per dwelling unit.~~

~~In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the Comprehensive Plan, Coastal Land Use Plan, and this Article. "Otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the Local Coastal Program.~~

- 1. Bonus determination.** ~~The County may choose to grant a density bonus greater than provided in the provisions of Government Code Sections 65915 through 65918 or successor statute for a development that exceeds the requirements of State law, provided that the project (as modified to include a density bonus) is found consistent with all applicable policies and provisions of the Local Coastal Program and provided that the density bonus is no greater than 35 percent above the base zone density.~~
- 2. Requirements for amendments or discretionary approval.** ~~The granting of a density bonus shall not be interpreted, in and of itself, to require a Local Coastal Program Amendment, zone change or other discretionary approval separate from the discretionary approval otherwise required for the project.~~

Section 35-144C.4 Development Incentives Allowed Incentives or Concessions.

- 1. Applicant request and County approval.** ~~An applicant may submit to the County a proposal for the specific incentives or concessions listed in Subsection 2. (Types of incentives) below, that the applicant requests in compliance with this Section. The County shall grant an incentive or concession request that complies with this Section unless the County makes a specific finding, pursuant to Government Code Sections 65915 through 65918, of any of the following:~~
 - ~~a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).~~
 - ~~b. The development incentive or concession, requested by an applicant in compliance with this Section will have an adverse effect on coastal resources. If the County determines that the requested incentive or concession will have an adverse effect on coastal resources, the County shall consider all feasible alternative incentives and concessions and their effects on coastal resources. The County may grant one or more of those incentives or concessions that do not have an adverse effect on coastal resources.~~
 - ~~c. The concession or incentive would be contrary to State or Federal law, including implementation of the Coastal Act. The project (as modified to include a density bonus, incentives, or concessions shall be consistent with all applicable policies and provisions of the Local Coastal Program.~~

~~For the purposes of the Section, the following development incentives may be allowed provided such incentives shall be found consistent with all applicable policies and provisions of the Local Coastal Program.~~

- 2. Types of incentives.** ~~For purposes of this Section, incentives or concessions consist of any of the following:~~
 - ~~a. Modification of development standards. A reduction in site development standards or a modification of zoning requirements, including but not limited to a reduction of the minimum open space requirement to 30 percent, allowing zero side yard setbacks throughout the development, building height, distance between buildings, setbacks, parking, building coverage, screening, or a reduction in architectural design requirements which exceed minimum building code standards of~~

this Article or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that result in identifiable, financially sufficient, and actual cost reductions.

- ~~2. **b. Mixed use projects approval.** The County shall financially subsidize a rezone to allow mixed use development in conjunction with the housing project provided that the commercial, office, or other land uses are compatible with the proposed housing project and the existing development in the area. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the housing project will be located.~~
- ~~3. **c. Additional density bonus Other regulatory incentives.** The approval of a density bonus which is greater than the maximum allowable density and may, when involved with standard density bonus projects, exceed the standard 25 percent density increase. This incentive shall be limited to a maximum density increase of no more than 50 percent above the base zoning density. Other regulatory incentives proposed by the applicant or the County that will result in identifiable, financially sufficient and actual cost reductions.~~
- ~~4. **Financial subsidy.** The provision of a below market rate loan or other financial assistance by the County or by other public or private institutions in cooperation with the County.~~
- ~~5. **Fast track permitting.** Subject to the provisions of the fast track permit process.~~
- ~~6. **Modified fee payment.** Deferral, reduction or waiver of processing fees, exactions or impact fees as approved by the Board of Supervisors, provided that this incentive does not apply to fees or exactions necessary to implement the Local Coastal Program.~~
- ~~7. **Modification of facility requirements.** Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development may be modified by the decision maker if deemed necessary to ensure affordability of dwelling units or to provide additional developer incentives provided that such modifications are found consistent with all applicable policies and provisions of the Local Coastal Program.~~
- 3. Additional parking incentives or concessions. An applicant may request alternative vehicular parking ratios in addition to other incentives or concessions provided in this Section.**
- 4. Requirements for amendments or discretionary approval. The granting of an incentive or concession shall not be interpreted, in and of itself, to require a Comprehensive Plan or Local Coastal Program amendment, a text amendment of this Article, a rezone or other discretionary approval separate from the discretionary approval otherwise required for the project.**

Section 35-144C.5 Siting Criteria.

The following siting criteria shall apply to density bonus projects. Density bonus projects shall be sited based on the following criteria:

- 1. Land use and development standards. All uses of land shall comply with the ~~base zone district regulations of the primary zone.~~ In cases where conflict occurs between the ~~regulations of the base zone district standards~~ primary zone standards and the provisions of the density bonus program, the conflict shall be resolved in accordance with the provisions of the Local Coastal Program.**
- 2. Location of project. All units within the proposed development should be of similar architectural style. ~~The intent is to have the affordable units blend in with the proposed development~~ The site shall be located within an existing Urban area as designated on the Coastal Land Use Plan maps.**
- 3. Access to transportation. All proposed development shall be sited to provide maximum access to ~~public forms of transportation~~ transit and alternative transportation services and facilities to the maximum extent feasible.**
- 4. Water and sewer service. Density bonus projects shall be ~~applied~~ located in areas served by municipal water districts providers and municipal sanitary districts service providers.**

5. **Consistency with the Local Coastal Program.** All proposed development shall be found consistent with applicable policies and provisions of the Local Coastal Program.

Section 35-144C.6 Processing of a Preliminary Density Bonus and Incentive Request

1. Preliminary proposal.

- a. ~~Consistent with Government Code Section 65915(d), prior~~ Prior to the submittal of a formal application, an applicant may submit to the County a written preliminary proposal for a density bonus project is encouraged to apply for a pre-application conference and other preliminary consultations with the Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. The preliminary proposal shall contain the following information:
- b. The pre-application conference or other preliminary consultation should relate to a specific development proposal that outlines the concept and characteristics of the project, and the application for the pre-application conference or other preliminary consultation shall contain the following information:
1. 1) **Site information.** The Assessor's Parcel Number(s), gross and net acreage, land use and zoning zone designations of the project site;
 2. 2) **Number of units.** The total number of units proposed (not including the requested density bonus units);
 3. 3) **Density bonus units.** The number of density bonus units requested;
 4. 4) **Affordable units.** The number of very low income, low income, ~~lower or upper moderate and/or "qualifying resident"~~ moderate income and/or senior units proposed;
 5. 5) **Incentives.** Any additional incentive(s) requested;
 6. 6) **Financial information.** Complete financial information and projections for the project. ~~The County may request and the applicant shall provide any additional information the County deems necessary to determine the financial feasibility of the income restricted units. The County may require the developer applicant to pay for a review by an independent consultant to assist the County in determining whether certain development incentives are necessary to make the income restricted units economically feasible.~~
 7. 7) **A site plan in accordance Section 35-169.4 (Coastal Development Permits) Compliance with Section 65915.** The information required to demonstrate that the project meets all requirements of Government Code Section 65915.
 8. 8) **Demonstration of need.** Information demonstrating that any requested incentive or concession is necessary in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Government Code section 65915(c).
 9. 9) **Density bonus effects on coastal resources.** A discussion of whether the method proposed by the applicant for accommodating the requested density bonus will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that the method proposed for accommodating a requested density bonus will have an adverse effect on coastal resources, the applicant shall submit an evaluation of:
 - a) All feasible methods of accommodating the requested density increase.
 - b) The effects of each method on coastal resources.
 - c) The method that avoids adverse impacts to coastal resources.
 10. 10) **Incentive/concession effects on coastal resources.** A discussion of whether any incentive or concession requested by the applicant will have an adverse effect on coastal resources. If the applicant indicates, or if the County determines, that an incentive or concession that is requested will have an adverse effect on coastal resources, the applicant shall submit an

evaluation of:

- a) All feasible alternative incentives or concessions and their effects on coastal resources.
 - b) Which of the feasible incentives or concessions avoids adverse impacts to coastal resources.
- c. Within 45 days of receipt of a complete ~~written proposal~~ application for a pre-application or other preliminary consultation, the ~~Planning and Development~~ Department shall notify the ~~developer applicant~~ in writing of:
- 1) ~~the~~ The types of incentives which may be recommended in order to comply with this Section.
~~and~~
 - 2) ~~whether~~ Whether staff the Department, based on the information provided, may support the granting of a density bonus on the basis of required development standards and findings.

Section 35-144C.7 — Processing of a Density Bonus Project.

~~1. A density bonus project shall be processed in the same manner as a similar residential project not requesting a density bonus, subject to the requirement for additional information as specified in Section 35-144C.6.~~

2. Application submittal.

- a. A formal application for a project that includes a request for a density bonus and/or other incentives or concessions, shall include all the information required in compliance with Subsection 1.b, above, in addition to the standard application requirements for the specific type of application in compliance with Section 35-57A (Application Preparation and Filing).
- b. If this information was provided as part of an application for an application for a pre-application or other preliminary consultation, then this information may be used as part of the formal application provided the Department determines, and the applicant verifies, that the information is still accurate and applicable to the project that is the subject of the formal application.

3. Protection of coastal resources.

- a. Any housing development approved in compliance with Government Code Section 65915 shall be consistent with all otherwise applicable policies and development standards of the County's Local Coastal Program.
- b. If the County approves development with a density bonus, the County shall find that the development, if it had been proposed without the density increase, would have been fully consistent with the policies and development standards of the County's Local Coastal Program.
- c. If the County determines that the means of accommodating the density increase proposed by the applicant do not have an adverse effect on coastal resources, the County shall require that the density increase be accommodated by those means.
- d. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the County shall:
 - 1) Identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources.
 - 2) Require implementation of the means that avoids adverse impacts to coastal resources.

~~2~~ **4. Affordable Housing (AH) overlay zone.** ~~The AH Overlay~~ Affordable Housing (AH) overlay zone was established to provide density bonus and other incentives for projects that provide a significant amount of affordable housing. Density bonuses and other development incentives granted pursuant to in compliance with the AH Overlay AH overlay zone shall be inclusive of the incentives offered in this Section, and shall not be in addition to the development incentives required offered in this Section.

~~3.~~ The density bonus may be transferred between one or more parcels for a development project located within the boundaries of a planned development or specific plan provided such transfer is found consistent

~~with all applicable policies and provision of the Local Coastal Program. For purposes of calculating a density bonus, the residential units may be based on more than one subdivision map or parcel.~~

- ~~4. All density bonus projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by County Counsel, on the title of the affordable units which outlines (1) the sales and/or rental prices for the various types of units to be established, and (2) provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper moderate incomes. All affordable units shall be restricted for a minimum of 30 years and the 30 year requirement shall re-start with each sale of an affordable unit, for a maximum period of 60 years, unless the County does not grant one additional incentive listed in Section 35-144C.4, in which case the developer shall agree to, and the County shall ensure, continued affordability for 10 years of all lower income housing units receiving a density bonus (Government Code Section 65915.C.).~~
- 5. Density bonus distribution.** A project that includes multiple lots is not required to distribute the density bonus evenly over each of the lots. The density bonus units may be concentrated on only a portion of the project site with lower residential densities on other portions of the project site.
- 6. Affordable housing agreement.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) for a density bonus project any housing development where the County approves a density bonus, each project the owners shall record an affordable housing agreement and resale and/or rental restrictive covenant, or other equivalent document, which outlines:
 - a. The sales and/or rental prices for the various types of units to be established.
 - b. Provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low and moderate incomes. All affordable units shall be restricted for the maximum period allowed by Government Code Sections 65915 through 65918 or successor statute.

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 add a new Section 35-144P titled "Farmworker Housing" and to read as follows:

Section 35-144P. Farmworker Housing.

- A. Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, et seq., known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35-58 (Definitions) and as may be allowed in compliance with the approval of the applicable permit identified in the following table for the listed zones:

Permit Requirements for Farmworker Dwelling Units and Farmworker Housing Complexes	P	<u>Permitted use, appealable Coastal Permit required (1)</u>	
	PP	<u>Principal Permitted use, Coastal Permit required (1)</u>	
	MCUP	<u>Minor Conditional Use Permit required</u>	
	CUP	<u>Major Conditional Use Permit required</u>	
	=	<u>Use not allowed</u>	
	PERMIT REQUIRED BY ZONE		
	Farmworker dwelling unit	Farmworker housing complex	Specific Use Regulations

Agricultural Zones

<u>AG-I</u>	<u>P (2)</u>	<u>P (3)</u>	
<u>AG-II</u>	<u>P (2)</u>	<u>CUP</u>	

Resource Protection Zones

<u>MT-TORO</u>	<u>P (4)</u>	<u>MCUP</u>	
<u>RES</u>	<u>P (4)</u>	<u>CUP</u>	

Residential Zones

<u>EX-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-1/E-1</u>	<u>PP</u>	<u>MCUP</u>	
<u>R-2</u>	<u>PP</u>	<u>MCUP</u>	
<u>DR</u>	<u>PP</u>	<u>P</u>	
<u>MHP</u>	<u>=</u>	<u>=</u>	
<u>PRD</u>	<u>PP</u>	<u>=</u>	
<u>RR</u>	<u>PP</u>	<u>CUP</u>	
<u>SR-H</u>	<u>PP</u>	<u>MCUP</u>	
<u>SR-M</u>	<u>PP</u>	<u>MCUP</u>	

Commercial Zones

<u>C-1</u>	<u>P (5)</u>	<u>=</u>	
<u>C-2</u>	<u>MCUP</u>	<u>=</u>	
<u>CH</u>	<u>MCUP</u>	<u>(6)</u>	
<u>C-V</u>	<u>MCUP</u>	<u>=</u>	
<u>PI</u>	<u>MCUP</u>	<u>=</u>	

Industrial Zones

<u>M-CD</u>	<u>=</u>	<u>P</u>	
<u>M-CR</u>	<u>=</u>	<u>P</u>	
<u>M-RP</u>	<u>=</u>	<u>P</u>	

Special Purpose Zones

<u>PU</u>	<u>=</u>	<u>P</u>	
<u>REC</u>	<u>=</u>	<u>=</u>	
<u>TC</u>	<u>CUP (7)</u>	<u>CUP</u>	

Notes:

- (1) Development Plan approval may also be required; see zone district requirements.
- (2) The primary dwelling on the lot may be considered a component of the principal permitted agricultural use and permitted as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. There is an existing principal permitted primary agricultural use on the lot on which the primary dwelling is located.
 - b. The occupancy of the dwelling is restricted to the operator of the principal permitted primary agricultural use including the family of the operator, or the owner of the lot including the dependent family of the owner.
 - c. The gross floor area of the primary dwelling does not exceed 5,000 square feet.
 - d. The primary dwelling and all accessory structures and landscaping associated with the primary dwelling shall occupy a development area of no more than 10,000 square feet.
- (3) Within the Carpinteria Agricultural Overlay District, a CUP is required if located on slopes between 5 and 10 percent.
- (4) The primary dwelling on the lot may be considered as a Principal Permitted Use (PP) when in compliance with the following standards:
 - a. The principal dwelling and all accessory structures and landscaping associated with the principal dwelling shall occupy a development area of no more than 10,000 square feet.
 - b. The development area shall not occupy slopes of 30 percent or greater.
- (5) Only allowed on a lot where there is no commercial use, and subject to the regulations of Section 35-77A.6 (Minimum Lot Size) and Section 35-71 (R-1/E-1).
- (6) Same permit requirement as required for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.
- (7) Only if single-family dwellings are allowed as a principal permitted use in an abutting zone district.

C. Farmworker housing requirements.

- 1. State regulations.** All farmworker housing shall comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 et seq., also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 et seq., also known as the California Special Occupancy Parks Act.
- 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.**
- 3. Farmworker housing may be allowed, but not required, to be:**
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
- 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:**
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent.
- 5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:**
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
- 6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:**
 - a. The farmworker housing, including the number of units, spaces or beds.
 - b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
 - c. Proof that the HCD permit for the farmworker housing is current and valid.

D. Development standards. All farmworker housing shall comply with all of the following development standards unless otherwise indicated.

- 1. Allowed farmworker housing complex housing types.** The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the table included in Subsection B (Applicability), above.
 - a. **Agricultural zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the AG-I and AG-II zones.
 - b. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the MT-TORO and

RES zones.

c. Residential zones.

1) EX-1, R-1/E-1, R-2, RR, SR-H and SR-M zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the EX-1, RR, R-1/E-1, R-2, RR, SR-H and SR-M zones:

2) DR zone. The following housing types may be permitted as a farmworker housing complex in the DR zone:

a) Dwelling, multiple.

b) A two-family dwelling.

c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.

d) Farmworker housing complexes other than those housing types listed in Subsections D.1.c(2)(a) through D.1.c(2)(c), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

d. Commercial zones. The following housing types may be permitted as a farmworker housing complex in the CH zone:

1) Adjacent lot zoned agriculture. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the CH zone if located adjacent to a lot having an agricultural zoning.

2) Adjacent lot zoned residential. The following housing types may be permitted in the CH zone if located adjacent to a lot having an residential zoning.

a) Multiple detached residential units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 et seq.

b) Farmworker housing complexes other than those housing types listed in Subsections D.1.d(2)(a), above, subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

e. Industrial zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the M-CD, M-CR and M-RP zones.

f. Special Purpose zones.

1) PU and TC zones. All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the PU and TC zones.

2. Farmworker dwelling unit density requirements. Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.

3. Parking. The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Article that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Article, the standards of this

Subsection D.3 shall prevail.

- a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
- b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement in compliance with Section 35-108 (Required Number of Spaces: Residential).
- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Section 35-108 (Required Number of Spaces: Residential) is not required to be provided.

E. Covenant and agreement. Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:

1. The farmworker housing will continuously be maintained in compliance with this Section 35-144P (Farmworker Housing) and all other applicable sections of this Article;
2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
4. The applicant will submit the annual verification form to the Director as required by Subsection C.6, above; and
5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35-185 (Enforcement, Legal Procedures, and Penalties).

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 add a new Section 35-144Q titled "Reasonable Accommodation" and to read as follows:

Section 35-144Q. Reasonable Accommodation.

Sections:

- A. Purpose.
- B. Applicability.
- C. Notice of Availability of Accommodation Process.
- D. Contents of Application.
- E. Processing.
- F. Findings Required for Approval.
- G. Effect of an approved Reasonable Accommodation on other project applications.

A. Purpose.

1. The purpose and intent of this Chapter is to ensure equal access to housing and to remove barriers to fair housing opportunities for individuals with disabilities in compliance with the Federal Fair Housing Act and the California's Fair Employment and Housing Act (the Acts) by providing a

procedure to request reasonable accommodation in the application of this Development Code and to establish relevant criteria to be used when considering such requests.

2. Reasonable accommodation means providing an individual with a disability flexibility in the strict application of zoning regulations or procedures when necessary to eliminate regulatory barriers and afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
3. This Section shall be interpreted and applied in accordance with the Acts, and nothing in this Section shall be deemed to create greater rights than exist under the Acts.

B. Applicability.

1. In order to make specific housing available to individuals with disabilities, any person, including an individual with a disability, his or her representative, or provider of housing for individuals with disabilities, may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities as regulated by this Article that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice. This Section applies only to those individuals who qualify as disabled under the Acts.
2. Typical improvements which may be considered for reasonable accommodation provisions include elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - a. Adjustments to encroachment allowances, floor area provisions, height and setback requirements.
 - b. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - c. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
3. The approval of a reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

C. Notice of Availability of Accommodation Process. Notice of the availability of reasonable accommodation shall be displayed at the Department's public information counters. Forms for requesting reasonable accommodation shall be made available to the public at the Department.

D. Contents of Application.

1. An application for reasonable accommodation shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
 - a. An application for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
 - b. If the project for which the application is being made also requires some other discretionary approval under this Article, the applicant shall file the application for reasonable accommodation concurrent with the application for the discretionary approval.
2. **Additional submittal requirements.** The application shall include the following in addition to the standard submittal requirements.
 - a. Verification by the applicant that the property is or will be the primary residence of the individual for whom the accommodation is requested.
 - b. The regulation or procedure from which accommodation is being requested.
 - c. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual with the disability.
 - d. The basis for the claim that the individual (or group of individuals, if application is made by

an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts.

E. Processing

1. Decision-maker and processing procedures.

- a. If the project for which the application for reasonable accommodation is requested requires ministerial approval in compliance with this Article, then the Director shall be the decision-maker for the application for reasonable accommodation and the related application, and the application for reasonable accommodation shall be submitted and reviewed concurrently with the related ministerial application.
 - 1) Notice of the application for Reasonable Accommodation and pending decision by the Director shall be given in the same manner as a Land Use Permit in compliance with Chapter 35-181 (Noticing).
 - 2) The Director shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, the Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. A public hearing is not required.
 - 3) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 4) The Director may take action on the application for reasonable accommodation prior to taking an action on any companion application.
- b. If the project for which the application for reasonable accommodation is requested requires discretionary approval in compliance with this Article, then:
 - 1) The decision-maker for the related discretionary application shall be the decision-maker for the application for reasonable accommodation.
 - 2) The application for reasonable accommodation shall be processed concurrently and in compliance with the applicable processing requirements for the related discretionary application, including noticing and public hearing requirements.
 - 3) The decision-maker shall review the application for reasonable accommodation for compliance with the Coastal Land Use Plan, Comprehensive Plan including any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the request. The decision-maker shall take action on the application for reasonable accommodation concurrently with taking action on any related discretionary application.
 - 4) The action of the decision-maker is final subject to appeal in compliance with Chapter 35-102 (Appeals).

2. Standards for approval.

- a. The decision-maker shall approve or conditionally approve the application if, based upon all of the evidence presented to the County, the findings required for approval in compliance with Subsection F (Findings Required for Approval) can first be made.
- b. An application for Reasonable Accommodation granted in compliance with this Section shall not require the approval of any Modification in compliance with Section 35-179 (Modifications) or Variance in compliance with Section 35-173 (Variances) as to the reasonable accommodation.

3. Conditions of approval. The decision-maker may impose conditions on the approval of an application for reasonable accommodation that are consistent with the purpose of the Acts and this Section to further fair housing. Such conditions include:

- a. That the reasonable accommodation shall only be applicable to the specific use for which the application is made.
- b. That a reasonable accommodation involving an exterior physical improvement or structure is designed to be substantially similar to the architectural character, colors, and texture of materials of the existing structure (if applicable) and other structures on the project site and in the neighborhood.
- c. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the County.

4. Written determination. The decision-maker shall issue a written determination, which shall be mailed to the applicant by first class mail, of the action on the application for reasonable accommodation that:

- a. Explains the basis of the decision and includes the findings required in compliance with Subsection F (Findings Required for Approval).
- b. Includes notice of the right to appeal and the appeals process.

5. Other required approvals. If the final action by the County results in the approval or conditional approval of the requested accommodation, other required approvals of the County (e.g., building permits) still apply.

F. Findings Required for Approval. An application for reasonable accommodation shall be approved or conditionally approved only if the decision-maker, in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts), first makes all of the following findings:

1. The project that is the subject of the request for reasonable accommodation:
 - a. Conforms to the applicable provisions of the Coastal Land Use Plan and the Comprehensive Plan including any applicable community or area plan.
 - b. Conforms to the applicable provisions of this Article and other applicable zoning conditions and regulations that apply to the subject project, except as modified by the accommodation.
2. The project that is the subject of the request for reasonable accommodation will be occupied as the primary residence by an individual with a disability under the Acts.
3. The accommodation is necessary to make specific housing available to an individual with a disability protected under the Acts.
4. The accommodation will not impose an undue financial or administrative burden on the County and the community.
5. The accommodation will not require a fundamental alteration of the regulations or procedures of this Article.
6. The accommodation will not waive a requirement for a Coastal Development Permit, Land Use Permit, Building Permit or Encroachment Permit, or result in approved uses otherwise not allowed by this Article.
7. Any adverse impact that results from the accommodation is minimized to the extent feasible.
8. The accommodation is limited to the minimum necessary to accommodate the needs of the individual with a disability and reasonable alternatives are not available that will provide an equivalent level of benefit without requiring a modification or exception to regulations or procedures of this Article.
9. The project that is the subject of the request for reasonable accommodation:
 - a. Will not be detrimental to the general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding areas.

- b. Will not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on.
- c. Will not require extensive alteration of the topography with the exception of only those design modifications which are necessary to provide the accommodation.
- d. If located in a Rural area as designated on the Coastal Land Use Plan maps, will be compatible with and subordinate to the rural and scenic character of the area with the exception of only those design modifications which are necessary to provide the accommodation.

G. Effect of an approved reasonable accommodation on other project applications. If the project for which the application for reasonable accommodation is submitted also requires design review approval in compliance with Section 35-184 (Board of Architectural Review), then any approval or conditional approval of the project by the applicable Board of Architectural Review shall not have the effect of rendering an approved reasonable accommodation infeasible.

SECTION 7:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection B, Timing and Form of Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

B. Timing and Form of Appeal.

1. **Appeals of decisions of the Board of Architectural Review, Director, Planning Commission, or Zoning Administrator.**
 - a. **Filing of the appeal.** An appeal, which shall be in writing and accompanying fee, of a decision or determination of the Board of Architectural Review, Director, Planning Commission or Zoning Administrator shall be filed with the Department within the 10 calendar days following the date of the decision or determination that is the subject of the appeal, except as ~~otherwise provided in this Article~~ follows:
 - 1) Within 30 calendar days following the date of decision by the Director that an oil or gas lease has been abandoned in compliance with [Section 35-170.11 \(Processing of demolition and Reclamation Permit\)](#).
 - 2) Except as otherwise provided in this Article.
 - b. The appellant shall use the form provided by the Department in addition to any other supporting materials the appellant may wish to furnish in compliance with Section 35-182.2.C, explaining the reasons for the appeal. An appeal shall be filed with the Director, who shall process the appeal in compliance with this section, including scheduling the matter before the appropriate decision-maker.
2. **Computation of time for appeal.** The time within which the appeal shall be filed shall commence on the next calendar day following the day on which the decision was made or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.

SECTION 8:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to amend Subsection 1, General requirements, of Subsection C, Requirements for Contents of an Appeal, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

- 1. General requirements.** The appellant shall specifically provide in the appeal all of the following:
- a. The identity of the appellant and his or her interest in the decision;
 - b. The identity of the decision or determination appealed which may include the conditions of that decision or determination;
 - c. A clear, complete, and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the Coastal Land Use Plan, this Article, or other applicable law;
 - d. If it is claimed that there was an error or abuse of discretion on the part of the ~~Board of Architectural Review, Director, Planning Commission, Zoning Administrator~~ decision-maker, or other officer or authorized employee, or that there was a lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration leading to the making of the decision or determination that is being appealed, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made, then these grounds shall be specifically stated.

SECTION 9:

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

SECTION 10:

Except as amended by this Ordinance, Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 11:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code Section 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 _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JANET WOLF, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel

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ATTACHMENT 13: COUNTY PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY PLANNING COMMISSION 2015 Housing Element Implementation Ordinance Amendment

Hearing Date: September 2, 2015

Staff Report Date: August 26, 2015

Case Nos. 15ORD-00000-00012 & 15ORD-00000-00014

Environmental Document:

County LUDC - CEQA Guidelines Section 15061(b)(3)

Article II CZO - CEQA Guidelines Sections 15061(b)(3) and Section 15265

Assistant Director: Dianne Black

Staff Contact: Noel Langle

Phone No.: (805) 568-2067

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Case No. 15ORD-00000-00012.** Adopt a recommendation to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00012) amending Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C; and
- 1.2 Case No. 15ORD-00000-00014.** Adopt a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00014) amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment F.

The proposed ordinance amendments revise existing procedures and regulations and add new procedures and regulations in order to implement the following programs contained in the 2015 - 2023 Housing Element Update as adopted by the Board of Supervisors on February 3, 2015:

- Program 1.10: State Density Bonus Law Consistency Amendments.
- Program 2.3: Farmworker Employee Housing Law Consistency Amendments.
- Program 2.5: Fair and Safe Special Needs Housing.
- Program 2.7: Definition of Family.

The proposed ordinances also make other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language as well as delete language that only applies within the Coastal Zone.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1 Case No. 15ORD-00000-00012.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 15ORD-00000-00012 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 15ORD-00000-00012, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case No. 15ORD-00000-00014. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 15ORD-00000-00014 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment D);
2. Recommend that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment E); and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 15ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment F).

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

3.0 JURISDICTION

3.1 Case No. 15ORD-00000-00012. This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the Santa Barbara County Land Use and Development Code (County LUDC). The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Community Plan Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 15ORD-00000-00014. This project is being considered by the County Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the County Planning Commission may make recommendations to the Board of Supervisors on text amendments to the Article II Coastal Zoning Ordinance (Article II) of Chapter 35 of the County Code.

4.0 BACKGROUND

4.1 General Information. State planning law requires that every city and county within California include a Housing Element within their Comprehensive or General Plan that contains housing

goals, policies, and programs that apply within that area’s jurisdiction. Santa Barbara County’s Housing Element includes an assessment of the County’s current and projected housing needs and provides an inventory of sites available for housing construction. It also details market, governmental, and environmental barriers which constrain housing production, and identifies goals, programs and actions to overcome these barriers and enhance housing production consistent with the Comprehensive Plan and state housing element law.

The 2015 - 2023 Housing Element as adopted by the Board of Supervisors on February 3, 2015 contains 45 separate programs that have varying timeframes for implementation. The proposed ordinance amendments revise existing procedures and regulations and add new procedures and regulations in order to implement four of the programs contained in the 2015 - 2023 Housing Element.

4.2 Montecito Planning Commission. A similar package of amendments was reviewed by the Montecito Planning Commission at their August 19, 2015 hearing. At this hearing, by a unanimous vote, they recommended that the amendments to the Montecito Land Use and Development Code (Montecito LUDC) and Article II be approved. As part of their action they made minor changes to the proposed revised definition of family. These changes are included in the ordinances amending the County LUDC (Exhibit 1 of Attachment C) and Article II (Exhibit 1 of Attachment F).

5.0 PROJECT DESCRIPTION

The following table shows which of the proposed revisions amend both the County LUDC and Article II or just Article II. Similar amendments were presented to the Montecito Planning Commission on August 19, 2015.

The revisions to the County LUDC will take effect 30 days following adoption of the ordinance by the Board of Supervisors. Because the amendment to Article II constitutes an amendment to the County’s certified Local Coastal Program, the revisions will take effect only after the Coastal Commission grants final certification to the amendment.

AMENDMENT TOPIC	APPLICABILITY	
	County LUDC	Article II
Program 1.10: State Density Bonus Law Consistency Amendments		✓
Program 2.3: Farmworker Employee Housing Law Consistency Amendments	✓	✓
Program 2.5: Fair and Safe Special Needs Housing	✓	✓
Program 2.7: Definition of Family	✓	✓

A summary of the proposed amendments and their purpose is provided below. The complete texts of the ordinance amendments are contained in Exhibit 1 of Attachment C (County LUDC) and Exhibit 1 of Attachment F (Article II). Proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates that sections where the text is unchanged and has been omitted for the sake of brevity. The following summary includes references to the sections within the actual ordinances where the specific text revisions may be found.

The County LUDC ordinance amendment also includes the deletion of standards and references that only apply within the Coastal Zone or merely distinguish between coastal and non-coastal requirements since Article II continues to be the implementing ordinance of the County’s certified Local Coastal Program. The County LUDC and Article II ordinance amendments also include minor corrections and

language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language. These revisions, including the deletion of Coastal Zone language, are not discussed in this staff report but are shown through the use of underlines and strikethroughs in the attached ordinances (Exhibit 1 of Attachments C and F).

The County LUDC and Article II are collectively referred to in the following discussion as the “zoning ordinances;” however, if only the County LUDC or Article II is revised by the amendment then that document will be specifically identified.

5.1 Program 1.10: State Density Bonus Law Consistency Amendments (Article II - Exhibit 1 of Attachment F SECTION 4).

This program requires the County to revise Article II to increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the California density bonus law which is intended to increase the economic feasibility of affordable housing developments for extremely low, very low, and low-income households. The proposed amendment implements this requirement by amending Section 35-144C (Density Bonus for Affordable Housing Project) of Article II to increase the allowable density bonus housing unit percentage increase as specified above. The proposed amendment also revises the whole of existing Section 35-144C so that it reads more like the Land Use and Development Codes.

5.2 Program 2.3: Farmworker Employee Housing Law Consistency Amendments (County LUDC - Exhibit 1 of Attachment C SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 20; Article II - Exhibit 1 of Attachment F SECTIONS 3 and 5).

This program requires that the County revise the zoning ordinances to be consistent with the California Health and Safety Code (HSC) regarding the permitting and development of farmworker housing that is regulated by the State.

The California legislature, having determined that the availability of farmworker housing is of vital statewide importance, adopted the Employee Housing Act (the Act) in 1979 to promote the development of farmworker housing. The Act is codified in Sections 17000 through 17062.5 of the California Health and Safety Code (HSC).

Section 17021 generally provides that local zoning codes, local fire codes, and regulations regarding the source of water supply and method of sewage disposal still apply to the development of farmworker housing under the provisions of the Act. However:

- Section 17021.5 requires that farmworker housing licensed by the California Department of Housing and Community Development (HCD) that provides accommodations for six or fewer employees shall be deemed a single family structure, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of a family dwelling in the same zone.
- Section 17021.6 requires that farmworker housing licensed by HCD that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural use, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of any other agricultural activity in the same zone.

Section 17008 provides that licensed employee housing may include “any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations.”

Even though the Act was adopted in 1979, there has only been one instance since that time where an applicant seeking to construct State-licensed farmworker housing has asserted that the County zoning regulations were preempted by State law

The proposed amendments implement this Housing Element program as summarized below.

1. Two new land use types, Farmworker Dwelling Unit and Farmworker Housing Complex, are proposed to be added to the zoning ordinances and defined as follows:

- **Farmworker dwelling unit.** A single-family residential unit that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
- **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.

These uses would be in addition to the following agricultural employee housing that is currently allowed in certain zones as accessory to permitted agricultural uses.

- Agricultural employee dwellings that provide housing for four or fewer agricultural employees.
- Farm labor camps that provide housing for five or more agricultural employees.

2. For the purpose of determining the appropriate permit for farmworker dwelling units and farmworker housing complexes consistent with Sections 17021.5 and 17021.6:

- **Farmworker dwelling unit.** A farmworker dwelling unit is considered the same as a single-family dwelling, and the existing permit requirement for single-family dwellings located in the different zones is proposed to be required for a farmworker dwelling unit.
- **Farmworker housing complex.** Health and Safety Code Section 17021.6 prohibits the imposition of any permit requirement that is not required of any other agricultural activity in the same zone. The Department interprets this to mean that if there are different types of planning permits that are required for agricultural uses within a certain zone, that the County may select the permit that is more appropriate to allow the development of a farmworker housing complex in that zone. For example, in the R-1/E-1 zone, staff proposes that a Minor Conditional Use Permit be required for a farmworker housing complex since that is the required permit for a commercial greenhouse that exceeds 300 square feet. Alternatively, the County could choose to exempt a farmworker housing complex from a planning permit since the agricultural use “cultivated agriculture, orchard, vineyard” is exempt from a planning permit.

The proposed permit requirements for farmworker dwelling units and farmworker housing complexes within the different zones are summarized below

Farmworker dwelling units.

Agricultural Zones:

AG-I & AG-II: Coastal Development Permit or Land Use Permit.

Resource Management Zones:

MT-GOL (Inland only), MT-TORO & RES (Coastal only): Coastal Development Permit or Land Use Permit.

RMZ (Inland only): Approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

Residential Zones:

RR, R-1/E-1, R-2 & EX-1: Coastal Development Permit or Land Use Permit.

DR: Coastal Development Permit or Land Use Permit for one farmworker employee dwelling on a single lot. More than farmworker employee dwelling would require the approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

PRD and SLP (Inland only): Approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

SR-M (Coastal only) & SR-H (Coastal only): Coastal Development Permit for one farmworker employee dwelling on a single lot. More than farmworker employee dwelling would require the approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

Commercial Zones:

C-1& CM-LA (Inland only): Coastal Development Permit or Land Use Permit.

CN (Inland only), C-2, C-3 (Inland only), CH (Coastal only), C-V & PI: Minor Conditional Use Permit followed by the issuance of a Zoning Clearance.

Special Purpose Zones:

NTS (Inland only): Approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

OT-R (Inland only), OT-R/LC (Inland only) & OT-R/GC (Inland only): Land Use Permit.

TC (Coastal only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance if the lot abuts a zone that allows single-family dwellings.

Farmworker housing complexes.

Agricultural Zones:

AG-I: Coastal Development Permit or Land Use Permit. This is the existing permit requirement for greenhouses.

AG-II: Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for aquaculture.

Resource Management Zones:

MT-GOL (Inland only) & MT-TORO: Approval of a Minor Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for cultivated agricultural, orchards and vineyards.

RES (Coastal only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for cultivated agricultural, orchards and vineyards.

RMZ (Inland only): Approval of a Final Development Plan and Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for cultivated agricultural, orchards and vineyards.

Residential Zones:

RR: Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

R-1/E-1, R-2 & EX-1: Approval of a Minor Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

DR: Approval of a Final Development Plan followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

SR-M (Coastal only) & SR-H (Coastal only): Approval of a Final Development Plan and Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

Commercial Zones:

CH: Same permit requirement for an adjacent lot zoned agricultural or residential if agricultural uses are allowed.

Industrial Zones:

M-RP, M-1 (Inland only), M-CR & M-CD (Coastal only): Approval of a Final Development Plan followed by the issuance of a Zoning Clearance. This is the existing permit requirement for aquaculture.

M-2 (Inland only): Same permit requirement for an adjacent lot zoned AG-I or AG-II.

Special Purpose Zones:

PU: Approval of a Final Development Plan followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

OT-R (Inland only): Land Use Permit. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

NTS (Inland only): Land Use Permit. This is the existing permit requirement for cultivated agricultural, orchards and vineyards.

TC: Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance if the lot abuts a zone that allows single-family dwellings.

3. The proposed ordinance includes requirements that the farm employee housing:
 - Must comply with all applicable State laws.
 - May consist of permanent, seasonal or temporary housing.
 - May, but is not required to be, provided by the employer and located on the property where the qualifying farm work occurs.

- If the housing is provided by other than the employer, shall consist of seasonal or temporary housing, or, if the housing is intended to be permanent, a manufactured home, mobilehome, travel trailer, or recreational vehicle.
- Obtain all required County approvals.

Additionally, within 30 days after obtaining a permit from HCD, and annually thereafter, the applicant must submit a verification form to the Director regarding the numbers of units of farm employee housing, number and employment status of occupants, and proof that the HCD permit is current and valid.

4. The California Health and Safety Code provides that farmworker housing may include any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations. The proposed ordinance specifies the allowable housing types that may be allowed as part of a farmworker housing complex depending on the zone the farmworker housing complex is located in as shown below. The purpose of these restrictions on the allowed housing types is to increase the compatibility of the farmworker housing complexes with the surrounding development. For example, on agriculturally zoned lots which require a larger minimum lot area, all housing types are allowed, as opposed to zones that allow a much smaller minimum lot area.

Agricultural Zones:

AG-I: All housing types may be allowed subject to the approval of a Coastal Development Permit or Land Use Permit.

AG-II: All housing types may be allowed subject to the approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

Resource Management Zones:

MT-GOL (Inland only) & MT-TORO: All housing types may be allowed subject to the approval of a Minor Conditional Use Permit.

RES (Coastal only): All housing types may be allowed subject to the approval of a Conditional Use Permit.

RMZ (Inland only): All housing types may be allowed subject to the approval of a Final Development Plan and Conditional Use Permit followed by the issuance of a Zoning Clearance.

Residential Zones:

RR: All housing types may be allowed subject to the approval of a Conditional Use Permit.

R-1/E-1, R-2 & EX-1: All housing types may be allowed subject to the approval of a Minor Conditional Use Permit.

DR: Multiple detached single-family units may be allowed subject to the approval of a Final Development Plan followed by the issuance of a Zoning Clearance. All other housing types may be allowed subject to the approval of a Conditional Use Permit in addition to approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

SR-M (Coastal only) & SR-H (Coastal only): All housing types may be allowed subject to the approval of a Final Development Plan and Conditional Use Permit

followed by the issuance of a Zoning Clearance.

Commercial Zones:

CH: Housing types may be allowed as allowed on adjacent lot zoned agricultural or residential subject to the same permit requirement.

Industrial Zones:

M-RP, M-1, M-CR & M-CD (Coastal only): All housing types may be allowed subject to the approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

M-2 (Inland only): Housing types may be allowed as allowed on adjacent lot zoned agricultural or residential subject to the same permit requirement.

Special Purpose Zones:

PU: Multiple detached single-family units may be allowed subject to the approval of a Final Development Plan followed by the issuance of a Zoning Clearance. All other housing types may be allowed subject to the approval of a Conditional Use Permit in addition to approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

OT-R (Inland only): Multiple detached single-family units may be allowed subject to the approval of a Land Use Permit; approval of a Final Development Plan followed by the issuance of a Zoning Clearance is also required if structures total 5,000 square feet or more in gross floor area. All other housing types may be allowed subject to the approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

NTS: Multiple detached single-family units may be allowed subject to the approval of a Land Use Permit. All other housing types may be allowed subject to the approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

TC (Coastal Zone only): All housing types may be allowed subject to the approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

5. Since farmworker dwelling units would be permitted in the same manner as single family dwellings, the development of farmworker dwelling units must comply with the density requirements of the applicable zone. For example, if there an existing single-family dwelling located on a lot, then a farmworker dwelling unit may not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed by the applicable zone dwelling unit density requirement.
6. Parking for farm employee housing is required to be provided in compliance with the applicable zoning ordinance except that:
 - Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement.
 - A farmworker housing complex consisting of any group living quarters, such as a barrack

or a bunkhouse, shall provide one parking space for every four beds in the complex.

- Parking requirements for employees as listed in the existing parking requirements is not required to be provided.
7. The proposed ordinance includes a requirement that the applicant record a covenant and agreement with the County declaring that:
- The farm employee housing will be maintained in compliance with the County zoning ordinances.
 - The appropriate license(s) from California Department of Housing and Community Development (HCD) will be obtained and maintained.
 - Any improvements required by the County that are related to the farm employee housing are constructed and/or installed, and continuously maintained.
 - The verification form regarding the farm employee housing (see Number 3, above) will be submitted annually to the Director.
 - Any violation of the covenant and agreement is subject to enforcement under the County zoning ordinances.

5.3 Program 2.5: Fair and Safe Special Needs Housing (County LUDC - Exhibit 1 of Attachment C SECTIONS 12, 14, 18, 19 and 20; Article II - Exhibit 1 of Attachment F SECTIONS 1, 3 and 6).

This program requires the County, in compliance with Government Code Section 65583(c)(3), to revise its zoning ordinances to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families. The proposed amendments implement this program by creating a process whereby either individuals with disabilities or other applicants seeking to build accessible housing may request a reasonable accommodation from the strict application of zoning requirements in order to provide individuals with disabilities an equal opportunity to the housing of their choice. In summary, the proposed procedure:

1. Defines an individual with a disability, in compliance with the federal Fair Housing Amendments Act of 1988 and the California's Fair Employment and Housing Act, as an individual who has a physical or mental impairment that limits one or more major life activities, or anyone who is regarded as having such impairment, or anyone who has a record of such impairment.
2. Allows an individual with a disability, or their agent, to apply for a reasonable accommodation from the strict application of the zoning regulations in order to construct improvements such as elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - a. Adjustments to encroachment allowances, floor area provisions and setback requirements.
 - b. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - c. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
3. Provides that if the project for which the reasonable accommodation is requested requires only ministerial approval, then the Director is the review authority for the reasonable

accommodation. However, if the project requires discretionary approval, the review authority for the discretionary application is also the review authority for the reasonable accommodation.

4. Requires that notice of the submission of an application for reasonable accommodation be provided to surrounding property owners, and provides that the decision on the application is subject to appeal.
5. Allows the review authority to condition their approval of the reasonable accommodation but only in a manner that is consistent with the purposes of the Federal Fair Housing Amendments Act of 1988 and the California's Fair Employment and Housing Act and the proposed reasonable accommodation process to promote fair housing.
6. Requires that in order to approve the reasonable accommodation that the review-authority must make findings, including that the property that is the subject of the request will be occupied by the individual with a disability, that the accommodation is necessary to make specific housing available to the individual, and that any adverse impact that may result from the accommodation is minimized to the extent feasible.

5.4 Program 2.7: Definition of Family (County LUDC - Exhibit 1 of Attachment C SECTION 20; Article II - Exhibit 1 of Attachment F SECTION 2).

This program requires the County to revise the definition of “family” contained in the zoning ordinances in order to clarify that the use of a single-family dwelling by people living in a group home such as a special care home or supportive or transition housing, as provided in state housing laws is also allowed by the zoning ordinances. The amendments would implement this program.

6.0 ENVIRONMENTAL REVIEW

6.1 Case No. 15ORD-00000-00012. The proposed ordinance amendment to the County Land Use and Development Code is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments.

6.2 Case No. 15ORD-00000-00014. The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment E, no significant environmental impacts would occur as a result of these ordinance amendments.

7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Community and Area Plans, or the Coastal Land Use Plan, and the adoption of the proposed ordinance amendments will not result in any

inconsistencies with the adopted policies and development standards.

The proposed ordinance amendments primarily involve:

- Amending the Article II Coastal Zoning Ordinance to increase the allowable bonus density from 25 to 35 percent to be consistent with State Density Bonus Law.
- Revising the County zoning ordinances to be consistent with State Health and Safety Code regarding the development and permitting farm employee housing.
- Incorporating a reasonable accommodation process into the County zoning ordinances to allow individuals with disabilities equal access to housing in compliance the Government Code.
- Amending the definition of family to clarify that the use of a single-family dwelling by a group of people of people living in a group home such as supportive or transitional housing, as allowed by state housing laws is also allowed by the zoning ordinances.

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the Community and Area Plans, and the Coastal Land Use Plan if applicable. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Community and Area Plans, and the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinances are consistent with the remaining portions of the County LUDC and Article II that would not revised by these ordinances. In order to approve a development project based on these proposed amendments, it still must be determined that the project is consistent with the whole of the County LUDC and Article II as applicable.

9.0 PROCEDURES

9.1 County Land Use and Development Code: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

9.2 Article II Coastal Zoning Ordinance: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

10.0 APPEALS PROCEDURE

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

11.0 ATTACHMENTS

- A. 15ORD-00000-00012 County LUDC Findings
- B. 15ORD-00000-00012 County LUDC Notice of Exemption
- C. 15ORD-00000-00012 County LUDC Resolution and Proposed Ordinance
- D. 15ORD-00000-00014 Article II Findings
- E. 15ORD-00000-00014 Article II Notice of Exemption
- F. 15ORD-00000-00014 Article II Resolution and Proposed Ordinance

ATTACHMENT 14: MONTECITO PLANNING COMMISSION STAFF REPORT

SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION 2015 Housing Element Implementation Ordinance Amendment

Hearing Date: August 19, 2015

Assistant Director: Dianne Black

Staff Report Date: August 12, 2015

Staff Contact: Noel Langle

Case Nos. 15ORD-00000-00013 & 15ORD-00000-00014

Phone No.: (805) 568-2067

Environmental Document:

Montecito LUDC - CEQA Guidelines Section 15061(b)(3)

Article II CZO - CEQA Guidelines Sections 15061(b)(3) and Section 15265

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Case No. 15ORD-00000-00013.** Adopt a recommendation to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00013) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.7, Montecito Planning Permit Procedures, Division 35.9, Montecito Land Use and Development Code Administration, and Division 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C; and
- 1.2 Case No. 15ORD-00000-00014.** Adopt a recommendation to the County Planning Commission that it recommend to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00014) amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment F.

The proposed ordinance amendments revise existing procedures and regulations and add new procedures and regulations in order to implement the following programs contained in the 2015 - 2023 Housing Element Update as adopted by the Board of Supervisors on February 3, 2015:

- Program 1.10: State Density Bonus Law Consistency Amendments.
- Program 2.3: Farmworker Employee Housing Law Consistency Amendments.
- Program 2.5: Fair and Safe Special Needs Housing.
- Program 2.7: Definition of Family.

The proposed ordinances also make other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language as well as delete language that only applies within the Coastal Zone.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case No. 15ORD-00000-00013. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 15ORD-00000-00013 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 15ORD-00000-00013, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case No. 15ORD-00000-00014. Follow the procedures outlined below and recommend to the County Planning Commission that they recommend to the Board of Supervisors that the Board approve Case No. 15ORD-00000-00014 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment D);
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment E); and,
3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 15ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment F).

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

3.0 JURISDICTION

3.1 Case No. 15ORD-00000-00013. This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 15ORD-00000-00014. This project is being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to the Article II Coastal Zoning Ordinance (Article II) of Chapter 35 of the County Code that will affect land use decisions within the Coastal Zone portion of the Montecito Planning Area.

4.0 BACKGROUND

4.1 General Information. State planning law requires that every city and county within California include a Housing Element within their Comprehensive or General Plan that contains housing goals, policies, and programs that apply within that area’s jurisdiction. Santa Barbara County’s Housing Element includes an assessment of the County’s current and projected housing needs and provides an inventory of sites available for housing construction. It also details market, governmental, and environmental barriers which constrain housing production, and identifies goals, programs and actions to overcome these barriers and enhance housing production consistent with the Comprehensive Plan and state housing element law.

The 2015 - 2023 Housing Element as adopted by the Board of Supervisors on February 3, 2015 contains 45 separate programs that have varying timeframes for implementation. The proposed ordinance amendments revise existing procedures and regulations and add new procedures and regulations in order to implement four of the programs contained in the 2015 - 2023 Housing Element.

5.0 PROJECT DESCRIPTION

The following table shows which of the proposed revisions amend both the Montecito LUDC and Article II or just Article II. Similar amendments will be presented to the County Planning Commission on September 2, 2015.

The revisions to the Montecito LUDC will take effect 30 days following adoption of the ordinance by the Board of Supervisors. Because the amendment to Article II constitutes an amendment to the County’s certified Local Coastal Program, the revisions will take effect only after the Coastal Commission grants final certification to the amendment.

AMENDMENT TOPIC	APPLICABILITY	
	Montecito LUDC	Article II
Program 1.10: State Density Bonus Law Consistency Amendments		✓
Program 2.3: Farmworker Employee Housing Law Consistency Amendments	✓	✓
Program 2.5: Fair and Safe Special Needs Housing	✓	✓
Program 2.7: Definition of Family	✓	✓

A summary of the proposed amendments and their purpose is provided below. The complete texts of the ordinance amendments are contained in Exhibit 1 of Attachment C (Montecito LUDC) and Exhibit 1 of Attachment F (Article II). Proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates that sections where the text is unchanged and has been omitted for the sake of brevity. The following summary includes references to the sections within the actual ordinances where the specific text revisions may be found.

The Montecito LUDC ordinance amendment also includes the deletion of standards and references that only apply within the Coastal Zone or merely distinguish between coastal and non-coastal requirements since Article II continues to be the implementing ordinance of the County's certified Local Coastal Program. The Montecito LUDC and Article II ordinance amendments also include minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language. These revisions, including the deletion of Coastal Zone language, are not discussed in this staff report but are shown through the use of underlines and strikethroughs in the attached ordinances (Exhibit 1 of Attachments C and F).

The Montecito LUDC and Article II are collectively referred to in the following discussion as the "zoning ordinances;" however, if only the Montecito LUDC or Article II is revised by the amendment then that document will be specifically identified.

5.1 Program 1.10: State Density Bonus Law Consistency Amendments (Article II - Exhibit 1 of Attachment F SECTION 4).

This program requires the County to revise Article II to increase the allowable density bonus housing unit increase available for qualifying projects from 25 to 35 percent in order to be consistent with the California density bonus law which is intended to increase the economic feasibility of affordable housing developments for extremely low, very low, and low-income households. The proposed amendment implements this requirement by amending Section 35-144C (Density Bonus for Affordable Housing Project) of Article II to increase the allowable density bonus housing unit percentage increase as specified above. The proposed amendment also revises the whole of existing Section 35-144C so that it reads more like the Land Use and Development Codes.

5.2 Program 2.3: Farmworker Employee Housing Law Consistency Amendments (Montecito LUDC - Exhibit 1 of Attachment C SECTIONS 2, 3, 4, 5, 7 and 14; Article II - Exhibit 1 of Attachment F SECTIONS 3 and 5).

This program requires that the County revise the zoning ordinances to be consistent with the California Health and Safety Code (HSC) regarding the permitting and development of farmworker housing that is regulated by the State.

The California legislature, having determined that the availability of farmworker housing is of vital statewide importance, adopted the Employee Housing Act (the Act) in 1979 to promote the development of farmworker housing. The Act is codified in Sections 17000 through 17062.5 of the California Health and Safety Code (HSC).

Section 17021 generally provides that local zoning codes, local fire codes, and regulations regarding the source of water supply and method of sewage disposal still apply to the development of farmworker housing under the provisions of the Act. However:

- Section 17021.5 requires that farmworker housing licensed by the California Department of Housing and Community Development (HCD) that provides accommodations for six or fewer employees shall be deemed a single family structure, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of a family dwelling in the same zone.
- Section 17021.6 requires that farmworker housing licensed by HCD that consists of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household shall be deemed an agricultural use, and prohibits the imposition of any permit requirement, business tax, local registration fee, use permit fee, or other fee that is not required of any other agricultural activity in the same zone.

Section 17008 provides that licensed employee housing may include “any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations.”

Even though the Act was adopted in 1979, there has only been one instance since that time where an applicant seeking to construct State-licensed farmworker housing has asserted that the County zoning regulations were preempted by State law

The proposed amendments implement this Housing Element program as summarized below.

1. Two new land use types, Farmworker Dwelling Unit and Farmworker Housing Complex, are proposed to be added to the zoning ordinances and defined as follows:

- **Farmworker dwelling unit.** A single-family residential unit that provides accommodations for six or fewer farmworkers at any one time. A farmworker dwelling unit shall be considered as a single-family dwelling, and permitted and regulated in the same manner by this Development Code.
- **Farmworker housing complex.** Farm employee housing other than a farmworker dwelling unit that contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex shall be occupied exclusively by farmworkers and their households.

These uses would be in addition to the following agricultural employee housing that is currently allowed in the Coastal Zone on property zoned AG-I; outside of the Coastal Zone, agricultural employee housing is not allowed in the Montecito Community Plan area:

- Agricultural employee dwellings that provide housing for four or fewer agricultural employees may be allowed with a Minor Conditional Use Permit.
- Farm labor camps that provide housing for five or more agricultural employees may be allowed with a Major Conditional Use Permit.

2. For the purpose of determining the appropriate permit for farmworker dwelling units and farmworker housing complexes consistent with Sections 17021.5 and 17021.6:

- **Farmworker dwelling unit.** A farmworker dwelling unit is considered the same as a single-family dwelling, and the existing permit requirement for single-family dwellings located in the different zones is proposed to be required for a farmworker dwelling unit.
- **Farmworker housing complex.** Health and Safety Code Section 17021.6 prohibits the imposition of any permit requirement that is not required of any other agricultural activity in the same zone. The Department interprets this to mean that if there are different types of planning permits that are required for agricultural uses within a certain zone, that the County may select the permit that is more appropriate to allow the development of a farmworker housing complex in that zone. For example, in the R-1/E-1 zone, staff proposes that a conditional use permit be required for a farmworker housing complex since that is the required permit for a commercial greenhouse that exceeds 300 square feet. Alternatively, the County could choose to exempt a farmworker housing complex from a planning permit since the agricultural use “cultivated agriculture, orchard, vineyard” is exempt from a planning permit.

The proposed permit requirements for farmworker dwelling units and farmworker housing complexes within the different zones that occur within the Montecito Community Plan area are summarized below.

Farmworker dwelling units. In compliance with Health and Safety Code Section 17021.5, the proposed ordinances include the same permit requirements for farmworker dwelling units that are presently required for single-family dwellings in zones where single-family dwellings are allowed. These proposed permit requirements, which are different for the different zones, are shown below. As shown below, not all zones occur within both the Coastal Zone and Inland area of the Montecito Community Plan area.

Agricultural Zones (AG-I):

Coastal Zone - Coastal Development Permit.

Inland area - Currently the Montecito LUDC includes the AG-I zone; however, there is no land zoned AG-I outside the Coastal Zone within the Montecito Community Plan area. Therefore, the ordinance amending the Montecito LUDC proposes to delete the AG-I zone; see SECTION 1 of Exhibit 1 of Attachment C.

Resource Management Zone (Inland area only): Approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

Residential Zones (R-1/E-1, R-2, DR, PRD):

R-1/E-1 and R-2 zones: Coastal Development Permit or Land Use Permit.

DR zone: Coastal Development Permit or Land Use Permit for one farmworker employee dwelling on a single lot. More than farmworker employee dwelling would require the approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

PRD: Approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

Commercial Zones (C-2, CN, C-V):

C-2 zone (Coastal Zone only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

CN zone (Inland area only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

C-V zone:

Coastal Zone: Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

Inland area: Single family dwellings are not allowed; therefore, farmworker dwelling units would also not be allowed.

Special Purpose Zones (PU, REC, TC):

PU and REC zones: Single-family dwellings are not allowed within the PU and REC zones; therefore, farmworker dwelling units would also not be allowed.

TC zone (Coastal Zone only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance if the lot abuts a zone that allows single-family dwellings.

Farmworker housing complexes. In compliance with Health and Safety Code Section 17021.6, the proposed ordinances include the same permit requirements for farmworker housing complexes that are presently required for agricultural uses in zones where agricultural uses are allowed. As noted above, where there are different permits requirements for different agricultural uses within a certain zone, the proposed ordinances include permit requirement that is more appropriate to allow the development of a farmworker housing complex in that zone. These proposed permit requirements, which are different for the different zones, are shown below. As shown below, not all zones occur within both the Coastal Zone and Inland area of the Montecito Community Plan area.

AG-I zone (Coastal Zone only): Coastal Development Permit.

Resource Management Zone (Inland area only): Approval of a Final Development Plan and Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for cultivated agricultural, orchards and vineyards.

Residential Zones (R-1/E-1, R-2, DR, PRD):

R-1/E-1 and R-2 zones: Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

DR zone: Approval of a Final Development Plan followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses that exceed a floor area of 300 square feet.

PRD: Agricultural uses are not allowed in the PRD zone, therefore, farmworker housing complexes would also not be allowed.

Commercial Zones (C-2, CN, C-V): Agricultural uses are not allowed in the C-2, CN and C-V zones, therefore, farmworker housing complexes would also not be allowed.

Special Purpose Zones (PU, REC, TC):

PU zone:

Coastal Zone: Approval of a Final Development Plan followed by the issuance of a Zoning Clearance. This is the existing permit requirement for all development in the PU zone.

Inland area: Agricultural uses are not allowed, therefore, farmworker housing complexes would also not be allowed

REC zone: Agricultural uses are not allowed in the REC zone, therefore, farmworker housing complexes would also not be allowed.

TC zone (Coastal Zone only): Approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance. This is the existing permit requirement for greenhouses.

3. The proposed ordinance includes requirements that the farm employee housing:
 - Must comply with all applicable State laws.
 - May consist of permanent, seasonal or temporary housing.
 - May, but is not required to be, provided by the employer and located on the property

where the qualifying farm work occurs.

- If the housing is provided by other than the employer, shall consist of seasonal or temporary housing, or, if the housing is intended to be permanent, a manufactured home, mobilehome, travel trailer, or recreational vehicle.
- Obtain all required County approvals.

Additionally, within 30 days after obtaining a permit from HCD, and annually thereafter, the applicant must submit a verification form to the Director regarding the numbers of units of farm employee housing, number and employment status of occupants, and proof that the HCD permit is current and valid.

4. The California Health and Safety Code provides that farmworker housing may include any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations. The proposed ordinance specifies the allowable housing types that may be allowed as part of a farmworker housing complex depending on the zone the farmworker housing complex is located in as shown below. The purpose of these restrictions on the allowed housing types is to increase the compatibility of the farmworker housing complexes with the surrounding development. For example, on agriculturally zoned lots which require a larger minimum lot area, all housing types are allowed, as opposed to zones that allow a much smaller minimum lot area.

AG-I zone (Coastal Zone only): All housing types may be allowed subject to the approval of a Coastal Development Permit.

Resource Management Zone (Inland area only): All housing types may be allowed subject to the approval of a Final Development Plan and Conditional Use Permit followed by the issuance of a Zoning Clearance.

Residential Zones (R-1/E-1, R-2, DR):

R-1/E-1 and R-2 zones: All housing types may be allowed subject to the approval of a Conditional Use Permit.

DR zone: Multiple detached single-family units may be allowed subject to the approval of a Final Development Plan followed by the issuance of a Zoning Clearance. All other housing types may be allowed subject to the approval of a Conditional Use Permit in addition to approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

Special Purpose Zones (PU and TC zones):

PU zone (Coastal Zone only): Multiple detached single-family units may be allowed subject to the approval of a Final Development Plan followed by the issuance of a Zoning Clearance. All other housing types may be allowed subject to the approval of a Conditional Use Permit in addition to approval of a Final Development Plan followed by the issuance of a Zoning Clearance.

TC zone (Coastal Zone only): All housing types may be allowed subject to the approval of a Conditional Use Permit followed by the issuance of a Zoning Clearance.

5. Since farmworker dwelling units would be permitted in the same manner as single family dwellings, the development of farmworker dwelling units must comply with the density requirements of the applicable zone. For example, if there an existing single-family dwelling located on a lot, then a farmworker dwelling unit may not be allowed in addition

to the existing single-family dwelling unless additional single-family dwelling units are allowed by the applicable zone dwelling unit density requirement.

6. Parking for farm employee housing is required to be provided in compliance with the applicable zoning ordinance except that:
 - Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be considered a one-family dwelling for determining the parking requirement.
 - A farmworker housing complex consisting of any group living quarters, such as a barrack or a bunkhouse, shall provide one parking space for every four beds in the complex.
 - Parking requirements for employees as listed in the existing parking requirements is not required to be provided.
7. The proposed ordinance includes a requirement that the applicant record a covenant and agreement with the County declaring that:
 - The farm employee housing will be maintained in compliance with the County zoning ordinances.
 - The appropriate license(s) from California Department of Housing and Community Development (HCD) will be obtained and maintained.
 - Any improvements required by the County that are related to the farm employee housing are constructed and/or installed, and continuously maintained.
 - The verification form regarding the farm employee housing (see Number 3, above) will be submitted annually to the Director.
 - Any violation of the covenant and agreement is subject to enforcement under the County zoning ordinances.

5.3 Program 2.5: Fair and Safe Special Needs Housing (Montecito LUDC - Exhibit 1 of Attachment C SECTIONS 6, 8, 12, 13 and 14; Article II - Exhibit 1 of Attachment F SECTIONS 1, 3 and 6).

This program requires the County, in compliance with Government Code Section 65583(c)(3), to revise its zoning ordinances to provide flexibility in the application of zoning regulations that pose barriers to the development of accessible housing that accommodates the needs of individuals with disabilities and their families. The proposed amendments implement this program by creating a process whereby either individuals with disabilities or other applicants seeking to build accessible housing may request a reasonable accommodation from the strict application of zoning requirements in order to provide individuals with disabilities an equal opportunity to the housing of their choice. In summary, the proposed procedure:

1. Defines an individual with a disability, in compliance with the federal Fair Housing Amendments Act of 1988 and the California's Fair Employment and Housing Act, as an individual who has a physical or mental impairment that limits one or more major life activities, or anyone who is regarded as having such impairment, or anyone who has a record of such impairment.

2. Allows an individual with a disability, or their agent, to apply for a reasonable accommodation from the strict application of the zoning regulations in order to construct improvements such as elevators or other mechanical access devices, handrails, ramps, walls, and other similar accessibility improvements necessary to accommodate an individual's disability. Reasonable accommodations include:
 - a. Adjustments to encroachment allowances, floor area provisions and setback requirements.
 - b. Adjustments to requirements for buffers, fences, walls and screening requirements.
 - c. Allowing hardscape additions such as widening driveways, parking areas or walkways that would otherwise not comply with landscape, lot coverage, or open space provisions.
3. Provides that if the project for which the reasonable accommodation is requested requires only ministerial approval, then the Director is the review authority for the reasonable accommodation. However, if the project requires discretionary approval, the review authority for the discretionary application is also the review authority for the reasonable accommodation.
4. Requires that notice of the submission of an application for reasonable accommodation be provided to surrounding property owners, and provides that the decision on the application is subject to appeal.
5. Allows the review authority to condition their approval of the reasonable accommodation but only in a manner that is consistent with the purposes of the Federal Fair Housing Amendments Act of 1988 and the California's Fair Employment and Housing Act and the proposed reasonable accommodation process to promote fair housing.
6. Requires that in order to approve the reasonable accommodation that the review-authority must make findings, including that the property that is the subject of the request will be occupied by the individual with a disability, that the accommodation is necessary to make specific housing available to the individual, and that any adverse impact that may result from the accommodation is minimized to the extent feasible.

5.4 Program 2.7: Definition of Family (Montecito LUDC - Exhibit 1 of Attachment C SECTION 13; Article II - Exhibit 1 of Attachment F SECTION 2).

This program requires the County to revise the definition of “family” contained in the zoning ordinances in order to clarify that the use of a single-family dwelling by people living in a group home such as supportive or transition housing, as allowed by state housing laws is also allowed by the zoning ordinances. The amendments would implement this program.

6.0 ENVIRONMENTAL REVIEW

6.1 Case No. 15ORD-00000-00013. The proposed ordinance amendment to the Montecito Land Use and Development Code is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments.

6.2 Case No. 15ORD-00000-00014. The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment E, no significant environmental impacts would occur as a result of these ordinance amendments.

7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Montecito Community Plan, or the Coastal Land Use Plan, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards.

The proposed ordinance amendments primarily involve:

- Amending the Article II Coastal Zoning Ordinance to increase the allowable bonus density from 25 to 35 percent to be consistent with State Density Bonus Law.
- Revising the County zoning ordinances to be consistent with State Health and Safety Code regarding the development and permitting farm employee housing.
- Incorporating a reasonable accommodation process into the County zoning ordinances to allow individuals with disabilities equal access to housing in compliance the Government Code.
- Amending the definition of family to clarify that the use of a single-family dwelling by a group of people of people living in a group home such as supportive or transitional housing, as allowed by state housing laws is also allowed by the zoning ordinances.

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan if applicable. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinances are consistent with the remaining portions of the Montecito LUDC and Article II that would not be revised by these ordinances. In order to approve a development project based on these proposed amendments, it still must be determined that the project is consistent with the whole of the Montecito LUDC and Article II as applicable.

9.0 PROCEDURES

9.1 Montecito Land Use and Development Code: The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

9.2 Article II Coastal Zoning Ordinance: The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the County Planning Commission.

10.0 APPEALS PROCEDURE

Ordinance amendments are legislative acts that require final action by the Board of Supervisors, therefore an appeal of the action of the Montecito Planning Commission is not required.

11.0 ATTACHMENTS

- A. 15ORD-00000-00013 Montecito LUDC Findings
- B. 15ORD-00000-00013 Montecito LUDC Notice of Exemption
- C. 15ORD-00000-00013 Montecito LUDC Resolution and Proposed Ordinance
- D. 15ORD-00000-00014 Article II Findings
- E. 15ORD-00000-00014 Article II Notice of Exemption
- F. 15ORD-00000-00014 Article II Resolution and Proposed Ordinance