

**Board of Supervisors
Zoning Clearances following CUP & DP
Approvals & Changes to CDP Process
May 15, 2007**



Process Improvement Board Action 5-24-05

■ **Criteria:**

Make the process easier to navigate, and more time efficient and cost effective, while maintaining the quality of development in the County.

■ **Priorities:**

1. Ministerial Permits
2. Appeals
3. Agricultural Permits
4. Customer Service
5. ZORP

PIT Progress

1. Ministerial Permits

- a. New Zoning Clearance
 - Tracts & Orcutt CP
- b. Improved noticing

2. Appeals – Process & timing

3. Agricultural permits

- 1. Streamlined w/ NRDC
- 2. Proposed
 - 1. Minor shift permits
 - 2. DP threshold change
 - 3. 2nd units & farmworker housing (HEU & UR)

3. Customer Service

- a. Improved website
- b. Email notification by project & zip code
- c. Project info accessible on website
- d. Staff training

4. Adopted ZORP

Purpose of Today's Public Hearing

1. Conditional Use Permits & Development Plans

- Allow Zoning Clearances in lieu of Land Use Permits following CUP & DP Approvals (unless SCD)

2. Revisions to Coastal Development Permit process:

- CDP heard with discretionary action; and
- Designate Director as review authority for CDPs with waived public hearings

CUPs & Development Plans

■ CUPs:

■ Minor

- Fences & walls over 8'
- Large Special Care Homes

■ Major

- Churches
- Golf courses
- Large telecom projects
- Educational facilities

■ Dev. Plans:

- Square footage > 20,000 sq. ft.
- Design Resid. Zone
- Commercial & Industrial Development
- Recreational facilities
- Public Works & Utilities

CUP & DP Process

■ Existing:

1. Application & Environmental Review
2. Noticed PC or Zoning Administrator hearing
3. Appeal, if filed
4. Noticed Board hearing
5. LUP process, including public notice
6. Noticed Appeal(s) to PC & Board
7. Appeal to CCC, if filed

■ Proposed:

1. Application & Environmental Review
2. Noticed PC or Zoning Administrator hearing
3. Appeal, if filed
4. Noticed Board hearing
5. Zoning Clearance process

Zoning Clearance v. Land Use Permit

■ Zoning Clearance

- a. Application
- b. Ordinance & Comp Plan compliance
- c. Condition compliance
- d. No notice
- e. No appeal

■ Land Use Permit

- a. Application
- b. Ordinance & Comp Plan compliance
- c. Condition compliance
- d. Public notice
- e. Potential for appeal

Other Jurisdictions' Process

- Where CUP or DP approval, none of these jurisdictions require a follow-up permit that includes notice & potential for appeal
- Guadalupe
- Lompoc
- San Luis Obispo Co.
- Santa Barbara City
- Santa Maria
- Solvang
- Ventura Co.

Summary

ZC following CUP & DP Approval

- CUPs:
 - Average of 7 Major & 31 Minor CUPs/year
- DPs: Average 14/year
- Few appeals – Avg. of 1/year
- SCDs
 - 8 CUPs & 14 DPs
 - Would require LUP
- No other nearby jurisdiction requires follow-up LUP
- Change to Zoning Clearance would affect:
 - 16 CUPs
 - 14 DPs
 - Unless SCD made

Existing Discretionary Permit Process

Potentially 15 steps (in Coastal Zone)

Existing Process:

1. Discretionary application filed
2. Environmental Review
3. Noticed Montecito or County PC hearing
4. Appeal, if filed
5. Noticed Board hearing
6. Appeal to Coastal Commission
7. Appeal hearing - CCC

Follow up CDP:

8. Application
9. Public Notice
10. Appeal, if filed
11. Noticed Montecito or County PC hearing
12. Appeal, if filed
13. Noticed Board hearing
14. Appeal to Coastal Commission
15. Appeal hearing - CCC

Proposed Process

Eliminates 2nd appeal to CCC

Discretionary application & CDP:

1. Applications filed
2. Environmental Review
3. Noticed PC hearing – Both applications
4. Appeal, if filed
5. Noticed Board hearing
6. Appeal to Coastal Commission
7. Appeal hearing - CCC

Follow up permit:

8. Application for LUP or Zoning Clearance filed
 - If Zoning Clearance – No notice or appeal
 - If LUP – If Substantial Conformity Determination, notice & local appeal process (no appeal to CCC)

Waived CDP Hearing Process

- Prior to 1996, every CDP in Appeals area required a hearing
 - In 1996, CCC revised process for minor projects – waived hearing (if no request for hearing)
- Two different processes now:
 - Zoning Administrator can waive hearing & approve project (if no hearing request)
 - Montecito PC serves as ZA so can't waive hearing

Change to CDH Process

Average of 3-4/year:

- New SFD
- Additions to SFD
- Carport & garage conversions
- Pools
- Weed removal (Carp Marsh)
- Tree removal

- Designate Director as review authority for CDPs with waived public hearings
 - Montecito
 - Rest of County

Staff Recommendation

1. Adopt findings for approval
(Attachment A)
2. Find that ordinances are categorically exempt from CEQA
(Attachment B)

3. Adopt ordinance 07-ORD-00000-00001
(Attachment C)
4. Adopt ordinance 07-ORD-00000-00002
(Attachment D)