

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 4, ZONING DISTRICTS, DIVISION 7, GENERAL REGULATIONS, DIVISION 11, ADMINISTRATION, AND TO ADD A NEW APPENDIX E, DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, TO REVISE THE EXISTING REGULATIONS REGARDING THE PERMITTING AND APPEAL PROCEDURES FOR ATTACHED AND DETACHED RESIDENTIAL SECOND UNITS.

Case No. 03ORD-00000-00003

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

SECTION 1:

DIVISION 2, Definitions, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend the existing definitions of Attached Residential Second Unit and Detached Residential Second Unit as follows:

ATTACHED RESIDENTIAL SECOND UNIT: A residential second unit that shares a common wall with the principal single family dwelling.

DETACHED RESIDENTIAL SECOND UNIT: A residential second unit that is not attached to the principal single family dwelling by a common wall.

SECTION 2:

DIVISION 2, Definitions, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add a definition of Residential Second Unit as follows:

RESIDENTIAL SECOND UNIT: A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. The residential second unit may either be an attached residential second unit or detached residential second unit. The residential second unit shall not be sold or financed separately from the principal dwelling but may be rented or leased. It shall contain permanent provisions for living, sleeping, eating, cooking, water and sanitation, and shall be located entirely on the same lot that contains the principal dwelling.

SECTION 3:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.3.11 of Section 35-216, AG-I Agriculture I, to read as follows:

11. One attached residential second unit per legal lot, zoned AG-I-5, AG-I-10, or AG-I-20 subject to the provisions of Sec. 35-291 (Residential Second Units).

SECTION 4:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-216.5.5 of Section 35-216, AG-I Agriculture I, to read as follows:

5. One detached residential second unit per legal lot zoned AG-I-5, AG-I-10, or AG-I-20 subject to the provisions of Sec. 35-291 (Residential Second Units) and Sec. 35-315 (Conditional Use Permits).

SECTION 5:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-218.3.9 of Section 35-218, RR Residential Ranchette, as follows:

9. One attached or detached residential second unit per legal lot subject to the provisions of Section 35-291 (Residential Second Units).

SECTION 6:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-218.5.2 of Section 35-218, RR Residential Ranchette.

SECTION 7:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend to Section 35-219.3.8 of Section 35-219, R-1/E-1 Single Family Residential, as follows:

8. One attached or detached residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units).

SECTION 8:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.5 of Section 35-219, R-1/E-1 Single Family Residential, to delete existing Section 35-219.5.4 and renumber existing Section 35-219.5.5 as Section 35-219.5.4.

SECTION 9:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-219.13 of Section 35-219, R-1/E-1 Single Family Residential, as follows:

Sec. 35-71.13. Maximum Gross Floor Area (Floor Area Ratio or FAR)

None, except that where a residential second unit has been approved, the total gross floor area of all covered structures shall be subject to the requirements of DIVISION 7, GENERAL REGULATIONS, Section 35-291.6.6 (Development Standards) for residential second units.

SECTION 10:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-221.3.9 of Section 35-221, EX-1 One-Family Exclusive Residential, as follows:

9. One attached or detached residential second unit per legal lot subject to the provisions of Sec. 35-291 (Residential Second Units).

SECTION 11:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-221.4.2.b of Section 35-221, EX-1 One-Family Exclusive Residential.

SECTION 12:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-243.4.3 of Section 35-243, OT – Old Town Districts, as follows:

Sec. 35-243.4.3 Processing

1. No permits for single-family residential development, including grading, and no permits for residential second unit development, including grading, shall be issued except in conformance with Sec. 35-314 (Land Use Permits).
2. No permits for multi-family residential development, including grading, shall be issued except in conformance with an approved Final Development Plan as provided in Sec. 35-317 (Development Plans), and with Sec. 35-314 (Land Use Permits). Modifications may be granted by the Planning Commission or Board of Supervisors pursuant to Sec. 35-317.8 (Development Plans).
3. Prior to the issuance of any Land Use Permit for buildings or structures, all plans for new or altered buildings and structures shall be reviewed by the area Architectural Review Committee as to conformance with established design criteria, and subsequently shall be submitted for approval by the Board of Architectural Review as set for in Sec. 35-329 (Architectural Review). Residential second units are exempt from BAR review but approval from the BAR Chair, or designee, is required.

SECTION 13:

DIVISION 4, Zoning Districts, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-243.4.4 of Section 35-243, OT – Old Town Districts, as follows:

Sec. 35-243.4.4 Permitted Uses

1. As provided in Sec. 35-222.4 (Design Residential) except that golf courses shall not be a permitted use.
2. One attached or detached residential second unit per legal lot subject to the provisions of Section 35-291 (Residential Second Units).

SECTION 14:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-291 to read as follows:

Sec. 35-291. Residential Second Units.

Sec. 35-291.1. Purpose and Intent

The purpose of this section is to establish procedures and standards for attached and detached residential second units pursuant to §65852.2 of the California Government Code. The

intent is to encourage a more efficient use of single family, Residential Ranchette and Agricultural zone districts where because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for the varying needs of the elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of single family, Residential Ranchette and Agricultural areas.

Sec. 35-291.2. Applicability.

Section 35-291. shall apply to the R-1/E-1, EX-1, OT, RR, AG-I-5, AG-I-10 and AG-I-20 zone districts only.

Sec. 35-291.3 Submittal Requirements.

1. In addition to the information required under Sec. 35-314.3 (Land Use Permit – Contents of Application), the following information shall also be submitted in conjunction with an application for a residential second unit:
 - a. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 - b. Documentation verifying that the principal dwelling is owner-occupied.
 - c. The proposed method of water supply and sewage disposal for the residential second unit.
2. In addition to the information required under Sec. 35-315.6 (Conditional Use Permit – Contents of Application), the following information shall also be submitted in conjunction with an application for a detached residential second unit that is proposed on property zoned AG-I:
 - a. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 - b. Documentation verifying that the principal dwelling is owner-occupied.
 - c. The proposed method of water supply and sewage disposal for the residential second unit, including "can and will serve" letters from a public sewer or water district or an existing mutual water company, where appropriate.

Sec. 35-291.4. Exclusion Areas.

1. Because of the adverse impact on the public health, safety, and welfare, residential second units shall not be permitted in Special Problems Areas designated by the Board of Supervisors except as provided in Sec. 35-291.4.2 and 35-291.4.3 below based upon the

finding that Special Problems Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location or elevation problems.

2. A residential second unit may be approved within a designated Special Problems Area where Planning and Development can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one ownership, at least one of which is vacant.
 - b. The owner has submitted an offer to dedicate a covenant of easement pursuant to Article VII of Chapter 35 of the County Code over the vacant lot for so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable pursuant to the following criteria:
 - 1) The lot was legally created, it is not a fraction lot, and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a non-residential purpose including but not limited to well sites, reservoirs and roads.
 - 2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by a) a letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that such service is in compliance with the Company's Domestic Water Supply Permit or b) the owner demonstrates that the lot could be served by an on-site or off-site well or shared water system that meets the applicable water well requirements of the Environmental Health Services Division of the Public Health Department.
 - 3) The lot a) is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district or b) the lot can be served by an individual sewage disposal system that meets all septic system requirements of the Environmental Health Services Division of the Public Health Department.
 - 4) The lot a) is currently served by an existing private road that meets all applicable fire agency roadway standards that connects to a public road or

right-of-way easement or b) can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.

- 5) The Special Problems Committee has reviewed the lot and has determined that the site conditions would not cause the Committee to deny development of the site for residential purposes.

3. Planning and Development may approve a residential second unit within a designated Special Problems Area where all of the development standards in Section 35-291.6 can be met and the project has been reviewed and recommended by the Special Problems Committee.

Sec. 35-291.5. Density/Lot Size.

1. Attached Residential Second Units.

- a. The minimum lot size on which an attached residential second unit may be located shall be 7,000 square feet, except that for parcels legally created prior to June 2, 1966, the minimum net lot size on which attached residential second units may be located shall be 6,000 square feet.
- b. For the specified ranges in lot sizes the maximum residential second unit size shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
6,000 - 9,999 sq. ft.	600 sq. ft.
10,000 - 19,999 sq. ft.	800 sq. ft.
20,000 sq. ft. or more	1,200 sq. ft.

2. Detached Residential Second Units.

- a. The minimum net lot size on which a detached residential second unit may be located shall be 10,000 square feet.
- b. For the specified ranges in lot sizes, the maximum residential second unit size shall not exceed the following standards.

<u>Lot Size (Net Lot Area)</u>	<u>Maximum 2nd Unit Size (Gross Floor Area)</u>
10,000 - 19,999 sq. ft.	800 sq. ft.
20,000 or more sq. ft.	1,200 sq. ft.

3. No more than one attached or detached residential second unit shall be permitted on any one lot. If a residential second unit exists or has current approval on a lot, a second residential second unit may not also be approved.

Sec. 35-291.6. Development Standards.

The following standards shall apply to all residential second units.

1. Pursuant to Government Code §65852.2(b)(5), the County finds that residential second units are consistent with the allowable density and with the general plan and zoning designation provided the residential second units are located on properties with R-1/E-1, EX-1, OT, RR, AG-I-5, AG-I-10 or AG-I-20 zoning designations.
2. The lot shall contain an existing single family dwelling at the time an application for a residential second unit is submitted or the application for the residential second unit shall be in conjunction with the principal dwelling.
3. The owner of the lot shall reside on said lot, in either the principal dwelling or in the residential second unit except when a) disability or infirmity require institutionalization of the owner, or b) Planning Director or Director's designee approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Prior to the issuance of the Land Use Permit, the owner-occupant shall sign and record an agreement with the County of Santa Barbara requiring that the owner reside on the property. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall a) if attached, be converted into a portion of the principal dwelling or b), if detached, be removed or converted into a legal accessory structure.
4. An attached residential second unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area. The floor area of a garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area as part of the same permit to allow the attached residential second unit.
5. The gross floor area of a residential second unit shall be a minimum of 300 square feet and shall not exceed 1,200 square feet. Gross floor area includes only the residential second unit and its directly accessible appurtenant interior spaces, and shall not be considered to include

- any existing floor area not contained within the residential second unit, nor shall it include the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the residential second unit.
6. The total gross floor area of all covered structures, including the residential second unit, shall not exceed 40 percent of the gross lot area of the lot that the residential second unit is situated on.
 7. A residential second unit shall not exceed a mean height of 16 feet except when the portion of an attached residential second unit that would exceed a mean height of 16 feet would be wholly contained within the existing principal dwelling. A detached residential second unit may be permitted as part of another detached structure provided that the building height of the entire structure shall not exceed 25 feet.
 8. A residential second unit shall have a separate entrance. The entrance to the residential second unit shall not face an abutting street unless the entrance is structurally shielded so as not to be apparent when viewed from the abutting street unless this prohibits construction of the second unit in which case the front door may be visible from the abutting street.
 9. A residential second unit shall not be permitted on a lot in addition to a) a guest house, b) dwellings other than the principal dwelling determined to be nonconforming as to use, or c) a farm employee dwelling unless the residential second unit is proposed to be located on a lot zoned AG-I. If a residential second unit exists or has been approved on a lot, a guest house or similar structure may not subsequently be approved unless the residential second unit is removed.
 10. A residential second unit shall contain its own kitchen and bathroom facilities.
 11. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as set forth in the applicable zone district.
 12. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the residential second unit and for b) each studio unit. The additional parking shall be provided as specified in the base zone district and in DIVISION 6, PARKING REGULATIONS. The Director may grant modifications to allow the additional parking required by these provisions to be located within the setbacks based on a finding that because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met. In no case shall the number of

- additional parking spaces required for a residential second unit be reduced, nor shall any modification be granted to allow parking within the front setback area.
13. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or company. If the principal dwelling is currently served by a water district or an existing water company subject to a moratorium for new connections, or if the existing service is by a private well or private water company, and if the property is not located in an overdrafted water basin, the residential second unit may be served by a private well or private water company subject to Public Health Department review and approval.
 14. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a private septic system, the residential second unit may be served by a private septic system subject to Public Health Department review and approval.
 15. A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principle dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. If determined to be particularly favorable the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix E, *Development Standards for Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems*, must be satisfied. That appendix is hereby incorporated by reference.
 16. Upon approval of a residential second unit on a lot, the lot shall not be divided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and zone district.
 17. The residential second unit shall not be sold or financed separately from the principal dwelling.

18. Where there are conflicts between the standards set forth in this section and those set forth in Sec. 35-267 (Accessory Structures) and DIVISION 4 Zoning Districts, the provisions of this section shall prevail.
19. Pursuant to the provisions of ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees prior to approval of the Land Use Permit or prior to final building permit inspection as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
20. The development of a detached residential second unit in agricultural zone districts shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - a. Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - b. Including buffers from sensitive areas.
 - c. Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.
21. For detached second units in agricultural zone districts the Zoning Administrator may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.
22. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, a detached residential second unit shall not be located closer to the principal abutting street than the principal dwelling unless other provisions of this Article, such as setback requirements, prohibit construction of the second unit in the rear of the lot on parcels one acre or less in size.
23. In residential zone districts, except where the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed, the exterior appearance and architectural style of the residential second unit shall reflect that of the principal dwelling, and shall use the same exterior materials, roof

covering, colors and design for trim, windows, roof pitch and other exterior physical features on parcels one acre or less in size.

24. In residential zone districts, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

Sec. 35-291.7. Findings for Approval.

In addition to the findings under DIVISION 10, Section 35-315 (Conditional Use Permits), prior to the approval of a detached residential second unit located on a lot zoned AG-I-5, AG-I-10 or AG-I-20, the Zoning Administrator shall make all of the following findings:

1. The detached residential second unit is compatible with the design of the adjacent residences and the surrounding neighborhood and will not cause excessive noise, traffic, parking or other disturbance to the existing neighborhood.
2. Provisions for on-site parking are adequate for existing and proposed uses.
3. The detached residential second unit will not substantially change the character of the neighborhood in which it is located, or cause a concentration of second units sufficient to change the character of the neighborhood in which it is located.
4. The detached residential second unit does not significantly infringe on the privacy of surrounding residents.
5. The proposal conforms to the development standards in Section 35-291.6.

Sec. 35-291.8. Noticing.

1. Notice of an approved or conditionally approved Land Use Permit for an attached residential second unit or a detached residential second unit not located in an AG-I zone district shall be given consistent with Sec. 35-326.3. In addition, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning and Development. The notice shall state that the grounds for appeal are limited to the demonstration that the project for which the Land Use Permit was approved or

conditionally approved is inconsistent with the development standards contained in Sec. 35-291.6.

2. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and shall include mailed notice to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to receive notice with Planning & Development.

Sec. 35-291.9. Appeals.

The decision of the Planning and Development Department to approve or conditionally approve an application for a residential second unit is final subject to appeal to the Planning Commission; the grounds for appeal are limited to the demonstration that the project for which the land use permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-291.6. The decision of Planning and Development to deny an application for a residential second unit is final subject to appeal to the Planning Commission in accordance with procedures set forth in DIVISION 11, Section 35-327 (Appeals). The decision of the Zoning Administrator to approve, conditionally approve or deny an application for a detached residential second unit in agricultural areas is final subject to appeal to the Board of Supervisors in accordance with the procedures set forth in DIVISION 11, Section 35-327 (Appeals).

Sec. 35-291.10. Revocation.

As provided in DIVISION 10, Section 35-314.7 (Land Use Permits - Revocation) and Section 35-315.10 (Conditional Use Permits - Revocation).

SECTION 15:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to delete Section 35-291A, Detached Residential Second Units, in its entirety.

SECTION 16:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292b.3., Ridgelines and Hillside Development Guidelines, to read as follows:

Sec. 35-292b.3. Development Guidelines.

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

Urban Areas:

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

Rural and Inner Rural Areas:

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

Exemptions:

In order for a proposed structure to be exempted from these guidelines, the BAR or Planning and Development Department (P&D), as stipulated below, must make one or more of the following findings:

- 1. Due to unusual circumstances, strict adherence to these guidelines would inordinately restrict the building footprint or height below the average enjoyed by the neighborhood. For example, significant existing vegetation, lot configuration, topography or unusual geologic

features may necessitate exceeding the height limit in order to build a dwelling comparable to other structures in the neighborhood. (BAR Finding)

2. In certain circumstances, allowing greater flexibility in the guidelines will better serve the interests of good design, without negatively affecting neighborhood compatibility or the surrounding viewshed. (BAR Finding)
3. The proposed site is on or adjacent to a minor topographic variation (i.e. gully), such that the 16 foot drop in elevation is not due to a true ridgeline or hillside condition. (P&D Finding)
4. Windmills and water tanks for agricultural purposes are exempt. (P&D Finding)
5. Poles, towers, antennas, and related facilities of public utilities used to provide electrical, communications or similar service. (P&D Finding)
6. Residential second units are exempt from BAR review but approval from the BAR Chair, or designee, is required.

SECTION 17:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292d, Applications that are Within the Jurisdiction of More Than One Final Decision Maker, to read as follows:

Sec. 35-292d. Applications that are Within the Jurisdiction of More Than One Final Decision Maker

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction as follows in descending order:
 - a. Board of Supervisors
 - b. Planning Commission
 - c. Zoning Administrator
 - d. Director
2. If the Board of Supervisors is the decision-maker for a project due to a companion discretionary application(s) (e.g., a Development Plan and a Rezone), then the Planning Commission shall make an advisory recommendation to the Board of Supervisors on each project.

3. This section shall not apply to applications for Land Use Permits submitted pursuant to Sec. 35-314 or Emergency Permits submitted pursuant to Sec. 35-322.

SECTION 18:

DIVISION 11, Administration, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-327.2 to read as follows:

Sec. 35-327.2. Appeals to the Planning Commission.

1. The decisions of the Planning and Development Department on the approval, denial, or revocation, of Land Use Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten calendar days following the posting date for the notice of Land Use Permit approval, as required by Section 35-488., or if denied, within the ten calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten calendar days following the date of final decision by the Board of Architectural Review. If final approval by the Board of Architectural Review is appealed, the hearing on the appeal shall only be held after the decision on the Land Use Permit but, prior to the issuance of the Land Use Permit for such project. The Board of Architectural Review appeal shall be processed concurrently with any appeal of the Land Use Permit. If a denial by the Board of Architectural Review is appealed, a separate hearing shall be held on the Board of Architectural Review appeal prior to the decision on the Land Use Permit. No permits shall be issued until all appeals have been heard and/or resolved.
 - d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Land Use Permit, or the decision of the Director or the Board of Architectural Review is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of

discretion by the Planning and Development Department, Director or the Board of Architectural Review. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the appellant must identify how the Land Use Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-488. (Noticing).

2. Notwithstanding Sec. 35-327.2.1d, the decision of the Planning and Development Department to approve or conditionally approve a Land Use Permit for a residential second unit pursuant to Sec. 35-291 is final subject to appeal to the Planning Commission; the grounds for appeal are limited to the demonstration that the project for which the land use permit was approved or conditionally approved is inconsistent with the development standards contained in Sec. 35-291.6. The decision of Planning and Development to deny an application for a residential second unit is final subject to appeal to the Planning Commission in accordance with procedures set forth in DIVISION 11, Section 35-327 (Appeals).
3. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning and Development Department, Director, or Board of Architectural Review.
4. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director, or Board of Architectural Review at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-326 (Noticing) and notice shall also be mailed to the appellant.

SECTION 19:

DIVISION 11, Administration, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-329.3 to read as follows:

Sec. 35-329.3. Exceptions.

No Board of Architectural Review approval is required for the following:

1. Interior alterations.
2. Decks

3. Swimming pools, hot tubs, and spas.
4. Fences or walls six (6) feet or less and gateposts of eight (8) feet or less in height when located in the front yard setback. Fences and walls of eight (8) feet or less and gateposts of ten (10) feet or less in height when located outside of front yard setback areas and not closer than twenty (20) feet from the right-of-way of any street. However, when a part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, such structures shall be included as part of the architectural review of the project.
5. Solar panels.
6. Any other exterior alteration determined to be minor by the Director.
7. Residential second units are exempt from BAR review but approval from the BAR Chair, or designee, is required.

SECTION 20:

Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add Appendix E, Development Standards for Residential Second Units On Lots Less Than Two Acres In Size Served By On-Site Sewage Disposal Systems, to read as follows:

APPENDIX E – DEVELOPMENT STANDARDS FOR RESIDENTIAL SECOND UNITS ON LOTS LESS THAN TWO ACRES IN SIZE SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS

A residential second unit proposed to be served by an on-site sewage disposal system may not be permitted in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Environmental Health Services Division of the Public Health Department. In order to be determined to be particularly favorable, all of the following criteria must be satisfied. These criteria may be amended from time to time by the Environmental Health Services Division in consultation with the Regional Water Quality Control Board.

1. Environmental Health Services shall receive a satisfactory soil percolation test report for the new disposal area prepared by a registered civil or soils engineer. An acceptable report shall include the following information and shall conclude that a septic system of suitable design and capacity can be installed with approved building plans and without resultant future contamination of usable groundwater.
 - a. A description of the methodology employed in the performance test.
 - b. A site plan showing the location of the test.

- c. A table of data obtained for the performance test at each test location.
- d. A log of the subsurface soil and groundwater conditions encountered.
- e. A statement as to which soil zones will be those utilized by the installed system.
- f. A statement that the test locations are representative of and apply to the proposed septic system location and the 100 percent expansion area.
- g. A site plan indicating the septic system location, the 100 percent expansion area, all required setbacks and the area designated for development.
- h. A statement that the parcel can be developed as proposed and that the septic system can be expected to function satisfactorily with normal use and routine maintenance.

All septic systems shall be in compliance with the Regional Water Quality Control Board prohibitions (effective March 15, 1984). If conditions do not allow for compliance with the prohibitions as required by the Regional Water Quality Control Board, a waiver may be requested. The applicant shall supply a copy of the Regional Water Quality Control Board's determination to Environmental Health Services.

NOTE: The proposed area for the installation of the subsurface effluent disposal system cannot exceed 30 percent slope within 100 feet of the disposal field (as defined in the Basin Plan using a 20 percent down gradient from the discharge pipe to the 30 percent slope). Drywells may be utilized only if leach lines are not feasible, as determined by the soil engineer with concurrence of Environmental Health Services. If utilized, drywells must be installed and performance tested to meet the minimum requirement of dissipating five times the septic tank capacity within 24 hours.

- 2. Environmental Health Services shall review and approve an application for the septic system serving the second residential unit that contains the following:
 - a. An analysis by the soil engineer indicating the soil zone(s) proposed for sewage disposal do not exceed 60 percent clay content.
 - b. A statement from the soil engineer regarding the presence, if any, of soil mottling indicative of previous saturation with groundwater.
 - c. A plot plan showing the existing sewage disposal system for the main house, including the area required to be reserved for the 100 percent expansion area, and the proposed system for the second unit.

- d. The on-site sewage disposal system for the proposed residential second unit shall include both the initial and 100 percent expansion areas interconnected with a diverter valve to allow alternate dosing of the two fields.
- e. For leach line disposal:
 - 1) For soil percolation rates between five and twenty-nine minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of twenty feet from highest known groundwater.
 - 2) For soil percolation rates between thirty and sixty minutes per inch, the engineering report shall include a statement, supported by field data and a boring log, that the proposed disposal area will maintain a minimum separation of eight feet to highest known groundwater.
 - 3) Soil percolation rates less than five minutes per inch and greater than sixty minutes per inch shall not be considered particularly favorable.
- f. For drywell disposal:
 - 1) The engineering report shall include a statement, supported by field data and a boring log, that the bottom of the drywell will have a minimum separation of fifteen feet from highest known groundwater, including perched groundwater.
 - 2) A minimum of twenty feet of lateral separation, sidewall to sidewall, shall be maintained for new drywells.

SECTION 21:

Except as amended by this Ordinance, Divisions 2, 4, 7 and 11 of Article III of Chapter 35 of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 22:

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, 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 _____, 2003, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

NAOMI SCHWARTZ
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel