



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:** 12/9/2008  
**Placement:** Administrative  
**Estimated Tme:** n/a  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director John Baker (805.568.2085)  
Contact Info: Dianne Black, Development Services Director (805.568.2086)  
**SUBJECT:** Adoption of resolution submitting Local Coastal Program amendments for certification to the California Coastal Commission

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrences:** N/A

**Recommended Actions:**

That the Board of Supervisors adopt the attached resolution and direct staff to submit the following Local Coastal Program amendments to the California Coastal Commission for certification:

1. Ordinance No. 4672 amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the permitting process for road naming and time extensions of certain previously approved discretionary projects;
2. Ordinance No. 4673 amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the permitting process for road naming, septic systems in designated Special Problems Areas, and time extensions of certain previously approved discretionary projects;
3. Ordinance No. 4680 amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the permitting process for overall sign plans, Special Care Homes, and temporary sales offices in new subdivisions;
4. Ordinance No. 4681 amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to revise the permitting process for overall sign plans and Special Care Homes;
5. Ordinance No. 4686 amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the unincorporated areas of the South Coast located outside of the Montecito Community Plan area;

6. Ordinance No. 4687 amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the Montecito Community Plan area;
7. Ordinance No. 4692 amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to add a new zone Naples Townsite and include development standards and processing requirements for that zone;
8. Ordinance No. 4693 amending the County Zoning Map to change the zone applied to the Naples Townsite area from AG-II-100 and Unlimited Agriculture (U) to Naples Townsite (NTS).; and,
9. Resolution No. 08-363 amending the Coastal Land Use Plan to add Naples Townsite policies to Section 3.2 (Development), revise Figure 4-9 to incorporate the Naples Townsite designation, add text regarding the Naples Townsite to the end of Appendix B (Land Use Definitions, amend the Gaviota Coast Rural Region Map of the Coastal Land Use Plan to change the land use designation from A-II-100 to Naples Townsite (NTS) for the Naples Townsite area, and amend the text and map of the Land Use and Development Code to create a new Naples Townsite (NTS) zone with boundaries to coincide with the NTS land use designation.

**Summary Text:**

The ordinances and resolutions referenced above amend the County's Local Coastal Program by revising text of the County and Montecito Land Use and Development Code, the County Zoning Map, and the Coastal Land Use Plan, and thus are required to be certified by the California Coastal Commission. These ordinances and resolutions have previously been approved by the Board of Supervisors. Staff recommends that you approve the attached Resolution incorporating all the referenced ordinances and resolutions into the submittal package, and direct staff to submit this package to the California Coastal Commission for certification.

This represents the final submission to the Coastal Commission for 2008; the attached resolution and all the required materials will be delivered to the Coastal Commission prior to December 31, 2008.

**Fiscal and Facilities Impacts:**

Budgeted: Yes.

**Fiscal Analysis:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-295 of the adopted Planning and Development Department's budget for fiscal year 2008-09. There are no facilities impacts.

**Staffing Impacts:**

Legal Positions:  
0

FTEs:  
0

**Special Instructions:**

1. The Clerk of the Board will send a copy of the signed and numbered resolution and minute order to the Planning and Development Department, attention Noel Langle.

**Attachments:**

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

**Authored by:**

Noel Langle (805.568.2067)

**ATTACHMENT A: RESOLUTION**

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

IN THE MATTER OF SUBMITTING TO THE )	RESOLUTION NO.: 08-_____
COASTAL COMMISSION AMENDMENTS TO )	CASE NOS.: 08ORD-00000-00004
THE TEXT OF THE SANTA BARBARA )	08ORD-00000-00005
COUNTY LOCAL COASTAL PROGRAM )	08ORD-00000-00006
_____ )	08ORD-00000-00007
	08ORD-00000-00008
	08ORD-00000-00009
	08ORD-00000-00015
	03RZN-00000-00005
	03GPA-00000-00006

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 18, 1982, by Ordinance No. 3382, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 (Zoning) of the Santa Barbara County Code; and
- C. On October 17, 2006, by Ordinance No. 4625, the Board of Supervisors of the County of Santa Barbara replaced the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 (Zoning) of the Santa Barbara County Code, with the County Land Use and Development Code, Section 35-1 of Chapter 35 (Zoning) of the Santa Barbara County Code; and
- D. On November 27, 2007, by Ordinance No. 4660, the Board of Supervisors of the County of Santa Barbara amended the County Land Use and Development Code, Section 35-1 of Chapter 35 (Zoning) of the Santa Barbara County Code, to remove the zoning regulations specific to the Montecito Community Plan area within Santa Barbara County, and amended the Montecito Land Use and Development Code, Section 35-2 of Chapter 35 (Zoning) of the Santa Barbara County Code, to add the Coastal Zone zoning regulations; and
- E. The Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, has amended the Local Coastal Program as specified below:

**1. Ordinance No. 4672 Road Naming and Time Extension, attached as Exhibit A:**

Ordinance No. 4672 amends Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Division 35.6 (Montecito Site Development Regulations), and Division 35.7 (Montecito Planning Permit Procedures) to revise the permitting process for road naming and time extensions of certain previously approved discretionary projects.

**2. Ordinance No. 4673 Road Naming, Septic Systems and Time Extensions, attached as Exhibit B:**

Ordinance No. 4673 amends 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 35.7 (Site Development Regulations), and Article 35.8 (Planning Permit Procedures) to revise the permitting process for road naming, septic systems in designated Special Problems Areas, and time extensions of certain previously approved discretionary projects.

**3. Ordinance No. 4680 Overall Sign Plans, Special Care Homes, and Temporary Sales Offices, attached as Exhibit C:**

Ordinance No. 4680 amends 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), and Article 35.8 (Planning Permit Procedures) to revise the permitting process for overall sign plans, Special Care Homes, and temporary sales offices in new subdivisions.

**4. Ordinance No. 4681 Overall Sign Plans, Special Care Homes, and Temporary Sales Offices, attached as Exhibit D:**

Ordinance No. 4680 amends 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), and Division 35.7 (Montecito Planning Permit Procedures) to revise the permitting process for overall sign plans and Special Care Homes.

**5. Ordinance No. 4686 Transfer of Development Rights Program, attached as Exhibit E:**

Ordinance No. 4686 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the unincorporated areas of the South Coast located outside of the Montecito Community Plan area;

**6. Ordinance No. 4687 Transfer of Development Rights Program, attached as Exhibit F:**

Ordinance No. 4687 amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to implement a transfer of development rights program in the Montecito Community Plan area;

**7. Ordinance No. 4692 , attached as Exhibit G:**

Ordinance No. 4692 amends Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code by amending Article 35.1 (Development Code Applicability), 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), and Article 35.10 (Land Use and Development Code Administration) to add a new zone Naples Townsite and include development standards and processing requirements for that zone.

**8. Ordinance No. 4693 , attached as Exhibit H:**

Ordinance No. 4693 amends the County Zoning Map by changing the zone applied to the Naples Townsite area from AG-II-100 and Unlimited Agriculture (U) to Naples Townsite

(NTS).

**9. Resolution No. 08-363, attached as Exhibit J:**

Resolution No. 08-363 amends the Coastal Land Use Plan by adding Naples Townsite policies to Section 3.2 (Development), revising Figure 4-9 to incorporate the Naples Townsite designation, adding text regarding the Naples Townsite to the end of Appendix B (Land Use Definitions, amending the Gaviota Coast Rural Region Map of the Coastal Land Use Plan to change the land use designation from A-II-100 to Naples Townsite (NTS) for the Naples Townsite area, and amending the text and map of the Land Use and Development Code to create a new Naples Townsite (NTS) zone with boundaries to coincide with the NTS land use designation.

- F. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County and Montecito Planning Commissions on said amendments in duly noticed public hearings in compliance with Section 65353 of the Government Code, and the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors in compliance with Section 65354 of the Government Code.
- G. This Board of Supervisors has held duly noticed public hearings in compliance with Sections 65355 and 65856 of the Government Code on the amendments, at which hearings the amendments were explained and comments invited from the persons in attendance.
- H. These amendments to the Local Coastal Program are consistent with the provisions of the California Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- I. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Coastal Land Use Plan, Sections 35-1 and 35-2, the County and Montecito Land Use and Development Codes, and the County Zoning Map.
- 3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in compliance with the California Coastal Act of 1976.
- 4. The Board of Supervisors submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
- 5. The Chair and the Clerk of the Board of Supervisor are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9<sup>th</sup> day of December, 2008, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
SALUD CARBAJAL  
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:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**Exhibit A**

**Ordinance No. 4672 Road Naming and Time Extension  
Montecito Land Use and Development Code**





ORDINANCE NO. 4672

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 SECTION 35.460.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.460 (ROAD NAMING AND ADDRESS NUMBERING), OF DIVISION 35.6 (MONTECITO SITE DEVELOPMENT REGULATIONS), AND SECTION 35.474.030 (TIME EXTENSIONS), OF CHAPTER 35.474 (POST APPROVAL PROCEDURES), OF DIVISION 35.7 (MONTECITO PLANNING PERMIT PROCEDURES), TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00004

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

SECTION 1:

DIVISION 35.6, Montecito Site Development Regulations, 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 amended to amend Subsection 35.460.050.B, Naming or renaming an existing road, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to read as follows:

**B. Naming or renaming an existing road.**

1. **Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Montecito Commission, Department, or other public agency or County department.
2. **Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.
  - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
  - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
  - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Montecito Commission.
3. **Public hearing.**
  - a. **Public hearing.** The Montecito Commission shall hold at least one noticed public hearing on

the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.

- b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings). Additionally, notice shall be provided in compliance with the following:
- (1) **Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
  - (2) **Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Chapter 35.496 (Noticing and Public Hearings).
- c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).
    - (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.
  - (2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.460.050.B.3.c.(1) is mailed.
- If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Montecito Commission's hearing agendas.
- d. Action of review authority.**
- (1) **Action of the Montecito Commission.** The action of the Montecito Commission is final subject to appeal in compliance with Section 35.492 (Appeals).
  - (2) **Action of the Director.**
    - (a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
    - (b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35.492 (Appeals).
- e. Recording action.** Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

4. **Notification after change.** After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

#### SECTION 2:

DIVISION 35.6, Montecito Site Development Regulations, 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 amended to delete Subsection 35.460.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

- ~~C. **Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

#### SECTION 3:

DIVISION 35.6, Montecito Site Development Regulations, 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 amended to amend Subsection 35.460.050.D, Naming a road created by a subdivision, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.C and to read as follows:

- C. **Naming a road created by a subdivision.** The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.
1. **Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.
  2. **Procedure.**
    - a. **Naming of a road in conjunction with the approval of a tentative map.**
      - (1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
      - (2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.470 (Permit Application Filing and Processing).
      - (3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the Montecito Commission at the time of tentative map approval in compliance with Subsection D. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
      - (4) **Appeal.** The decision of the Montecito Commission may be appealed in compliance with Chapter 35.492 (Appeals).

#### SECTION 4:

DIVISION 35.6, Montecito Site Development Regulations, 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 amended to amend Subsection 35.460.050.E, Road name selection, and Subsection 35.460.050.F, Road name signs, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, to renumber as Subsection 35.460.050.D and Subsection 35.460.050.E, respectively

#### SECTION 5:

DIVISION 35.6, Montecito Site Development Regulations, 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 amended to delete Subsection 35.460.050.G, Fees, of Section 35.460.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.460, Road Naming and Address Numbering, as follows:

~~**G. Fees.** A Road Name Application submitted by a private party shall include the non-refundable fee specified by the Board Fee Resolution.~~

#### SECTION 6:

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 amended to amend Subsection 35.474.030.D, Processing, of Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, to read as follows:

#### **D. Processing.**

##### **1. Coastal Development Permit.**

##### **a. Approved Coastal Development Permits for appealable development.**

- (1) Coastal Development Permit approved by the Director.** The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.
  - (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (b) A public hearing shall not be required if the Director is the review authority for the application for the time extension.
  - (c) The Director may approve, conditionally approve or deny the request.
  - (d) The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (2) Coastal Development Permit approved by the Montecito Commission.** The Montecito Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Montecito Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.
  - (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California

Environmental Quality Act.

- (b) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.
- (c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).

- b. Issued Coastal Development Permits for appealable and non-appealable development.**  
The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.472.050.E (Findings required for approval) can still be made.

**2. Conditional Use Permits.**

- a. Extension of permit approval.** The Montecito Commission may extend the approval of a Conditional Use Permit one time for good cause shown in compliance with the following:
  - (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (2) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve, or deny the request.
  - (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
  - (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) or Subsection 35.472.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.438 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit can still be made.
- b. Discontinuance of use.** The Montecito Commission may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:
  - (1) The Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
  - (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - (3) The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

**3. Development Plans (Preliminary and Final).**

**a. Extension of permit approval.** The review authority that approved the Development Plan may extend the approval of the Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the Montecito Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.472.080.E (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.

**b. Expiration.** A Development Plan shall expire 12 months from the date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.

**4. Land Use Permits.** The Director may extend the time limit of an issued Land Use Permit one time for 12 additional months for good cause shown only if the Director first finds that the applicable findings for approval required in compliance with Subsection 35.472.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

**5. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.

**6. Zoning Clearances.** The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:

- (a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) That the determination required in compliance with Subsection 35.472.180.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.

**7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.496 (Noticing and Public Hearings).

- (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.474.030.D.7.a. is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

SECTION 7:

Except as amended by this Ordinance, Division 35.6 and Division 35.7, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

Within the Coastal Zone portion of Santa Barbara County, SECTION 6 of this ordinance and any portion of SECTION 6 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage 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.

SECTION 9:

Within the non-Coastal Zone portion of Santa Barbara County, 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 27th day of May, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray

NOES: None

ABSTAINED: None

ABSENT: Supervisor Centeno

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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:

DANIEL J. WALLACE  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



**Exhibit B**

**Ordinance No. 4673 Road Naming, Septic Systems and Time Extensions  
County Land Use and Development Code**



ORDINANCE NO. 4673

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 SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES), AND SECTION 35.76.050 (ROAD NAMES - PROCEDURES, STANDARDS, AND SIGNS), OF CHAPTER 35.76 (ROAD NAMING AND ADDRESS NUMBERING), OF ARTICLE 35.7 (SITE DEVELOPMENT REGULATIONS), AND SECTION 35.84.030 (TIME EXTENSIONS), OF CHAPTER 35.84 (POST APPROVAL PROCEDURES), OF CHAPTER 35.8 (PLANNING PERMIT PROCEDURES), TO DELETE THE REQUIREMENT FOR A MINOR CONDITIONAL USE PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS LOCATED IN DESIGNATED SPECIAL PROBLEM AREAS, TO DESIGNATE THE DIRECTOR OF THE PLANNING AND DEVELOPMENT DEPARTMENT AS THE REVIEW AUTHORITY FOR ROAD NAMING AND RENAMING APPLICATIONS AND TIME EXTENSION APPLICATIONS WHERE THE REQUIREMENT FOR A PUBLIC HEARING HAS BEEN WAIVED, AND TO REQUIRE THAT THE NAMING OF ROADS ASSOCIATED WITH SUBDIVISIONS ARE NAMED CONCURRENTLY WITH THE APPROVAL OF THE SUBDIVISION.

Case No. 08ORD-00000-00005

The Board of Supervisors of the County of Santa Barbara, State of California, 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 amended to amend 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, in the Water Supply and Wastewater Facilities section of Table 2-1, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

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 amended to amend 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, in the Water Supply and Wastewater Facilities section of Table 2-4, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual",

delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

#### 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 amended to amend Table 2-7, Table 2-8, and 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 in the Water Supply and Wastewater Facilities sections of Tables 2-7, 2-8, and 2-9, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

#### 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 amended to amend Table 2-14, Table 2-15, and Table 2-16 (Allowed Land Uses and Permit Requirements for Residential Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to in the Water Supply and Wastewater Facilities sections of Tables 2-14, 2-15, and 2-16, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

#### 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 amended to amend Table 2-20 (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 in the Water Supply and Wastewater Facilities section of Table 2-20, delete "Wastewater treatment system, individual, Special Problem Area (5)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (5) "Only if designated a Special Problem Area due to sewage disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone" and renumber the remaining footnotes accordingly.

#### 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 amended to amend Table 2-22 and Table 23 (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 in the Water Supply and Wastewater Facilities sections of Tables 2-22 and 2-23, delete "Wastewater treatment system, individual, Special Problem Area (4)", amend "Wastewater treatment system, individual, not Special Problem Area" to read "Wastewater treatment system, individual", delete existing footnote (4) "Only if designated a Special Problem Area due to sewage

disposal constraints; otherwise "E" if located in the Inland area or "P" if located in the Coastal Zone” and renumber the remaining footnotes accordingly.

## SECTION 7:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.B, Naming or renaming an existing road, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to read as follows:

### **B. Naming or renaming an existing road.**

- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
- 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and the initiating property owner or agency shall file a Road Name Petition with the application.
  - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
  - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
  - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
- 3. Public hearing.**
  - a. Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection 3.c, below, and approve, conditionally approve or deny the request.
  - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings). Additionally, notice shall be provided in compliance with the following:
    - (1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
    - (2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Chapter 35.106 (Noticing and Public Hearings).
  - c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
    - (1)** Notice that a public hearing shall be held upon request by any person is provided to all

persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).

- (a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.
- (2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.76.050.B.3.c.(1) is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the road naming or renaming application. A listing of pending road naming or renaming applications for which the public hearing may be waived shall be provided on the Commission's hearing agendas.

**d. Action of review authority.**

- (1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (2) **Action of the Director.**
  - (a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
  - (b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Chapter 35.102 (Appeals).

**e. Recording action.** Upon the naming or renaming of the road, the review authority shall enter in its minutes the officially designated name of the road. Thereafter the road shall be known by the designated name.

**4. Notification after change.** After adoption of the road name, the Department shall notify all the appropriate public agencies and the property owners and tenants of the dwellings and businesses along the affected road of the road name change.

SECTION 8:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.C, Naming an existing road within or adjacent to a proposed subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

~~**C. Naming an existing road within or adjacent to a proposed subdivision.** An unnamed existing road contained within a proposed subdivision shall be named in compliance with Subsection B. (Naming or renaming an existing road) above. See also Subsection E.3 (Continuity) below.~~

SECTION 9:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.D, Naming a road created by a subdivision, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.C and to read as follows:

- C. Naming a road created by a subdivision.** The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.
- 1. Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.
  - 2. Procedure.**
    - a. Naming of a road in conjunction with the approval of a tentative map.**
      - (1) Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
      - (2) Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall be filed in conjunction with the application for the tentative map.
      - (3) Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection ~~ED~~. (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
      - (4) Appeal.** The decision of the review authority may be appealed in compliance with Chapter 35.102 (Appeals).

#### SECTION 10:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 35.76.050.E, Road name selection, and Subsection 35.76.050.F, Road name signs, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, to renumber as Subsection 35.76.050.D and Subsection 35.76.050.E, respectively

#### SECTION 11:

ARTICLE 35.7, Site Development Regulations, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Subsection 35.76.050.G, Fees, of Section 35.76.050, Road Names - Procedures, Standards, and Signs, of Chapter 35.76, Road Naming and Address Numbering, as follows:

- G. Fees.** ~~A Road Name Application submitted by a private party shall include the non-refundable fee specified by the Board Fee Resolution.~~

SECTION 12:

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 amended to amend Subsection 35.84.030.D, Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

**D. Processing.**

**1. Coastal Development Permit.**

**a. Approved Coastal Development Permits for appealable development.**

- (1) Coastal Development Permit approved by the Director.** The Director may extend the approval of a Coastal Development Permit for appealable development approved by the Director one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

  - (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (b) A public hearing shall not be required if the Director is the review authority for the application for the time extension.
  - (c) The Director may approve, conditionally approve or deny the request.
  - (d) The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (2) Coastal Development Permit approved by the Commission.** The Commission may extend the approval of a Coastal Development Permit for appealable development approved by the Commission one time for 12 additional months for good cause shown provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

  - (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
  - (b) The Commission shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve or deny the request.
  - (c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
  - (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (3) Coastal Development Permit approved by the Zoning Administrator.** The Zoning Administrator may extend the approval of a Coastal Development Permit for appealable development approved by the Zoning Administrator one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.



- (a) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (b) The Zoning Administrator shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve or deny the request.
- (c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (d) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

**b. Issued Coastal Development Permits for appealable and non-appealable development.**

The Director may extend the time limit of an issued Coastal Development Permit one time for 12 additional months for good cause shown, provided the applicable findings for approval required in compliance with Subsection 35.82.050.E (Findings required for approval) can still be made.

**2. Conditional Use Permits and Minor Conditional Use Permits.**

**a. Extension of permit approval.** The review authority that approved the Conditional Use Permit or Minor Conditional Use Permit may extend the approval of a Conditional Use Permit or Minor Conditional Use Permit one time for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) The review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7., below, and approve, conditionally approve, or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.060.E (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) or Subsection 35.82.060.F (Findings required for approval of Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards)) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.

**b. Discontinuance of use.** The review authority may extend the time limit for discontinuance of use one time for good cause shown in compliance with the following:

- (1) The review authority shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.

- (2) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (3) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).

**3. Development Plans (Preliminary and Final).**

**a. Extension of permit approval.** The review authority that approved the Development Plan may extend the approval of the Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- (1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- (2) Except for applications for Time Extensions where the Director is the review authority, the review authority shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7, below, and approve, conditionally approve or deny the request.
- (3) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
- (4) The action of the review authority is final subject to appeal in compliance with Chapter 35.102 (Appeals).
- (5) A Time Extension application shall be approved or conditionally approved only if the review authority first finds that applicable findings for approval required in compliance with Subsection 35.82.080.E. (Findings required for approval) that were made in conjunction with the initial approval of the Development Plan can still be made.

**b. Expiration.** A Development Plan shall expire 12 months from the date the extension was granted or two years from the expiration date of the initial approval of the Development Plan, whichever occurs first.

**4. Land Use Permits.** The Director may extend the time limit of an issued Land Use Permit one time for 12 additional months for good cause shown only if the Director first finds that the applicable findings for approval required in compliance with Subsection 35.82.110.E (Findings required for approval) that were made in conjunction with the initial approval of the Land Use Permit can still be made.

**5. Modifications.** The Director may extend the approval of a Modification one time for 12 additional months for good cause shown.

**6. Zoning Clearances.** The Director may extend an issued Zoning Clearance one time for 12 additional months for good cause shown provided:

- (a) That the time extension request is filed at least 30 days before the expiration of the Zoning Clearance that is the subject of the Time Extension request.
- (b) That the determination required in compliance with Subsection 35.82.180.D.1 (Review for compliance) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.

**7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Chapter 35.106 (Noticing and Public Hearings).
  - (1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
- b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection 35.84.030.D.7.a. is mailed.

If the requirement for a public hearing is waived, then the Director shall be the review authority for the Time Extension application. A listing of pending Time Extension applications for which the public hearing may be waived shall be provided on the hearing agenda of the review authority that would otherwise have jurisdiction over the Time Extension.

#### SECTION 13:

Except as amended by this Ordinance, Articles 35.2, 35.7 and 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

#### SECTION 14:

Within the Coastal Zone portion of Santa Barbara County, SECTIONS 1,2 3, 4, 5, 6, and 12 of this ordinance and any portion of SECTIONS 1,2 3, 4, 5, 6, and 12 approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage 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.

#### SECTION 15:

Within the non-Coastal Zone portion of Santa Barbara County, 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 27<sup>th</sup> day of May, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray

NOES: None

ABSTAINED: None

ABSENT: Supervisor Centeno

\_\_\_\_\_  
SALUD CARBAJAL  
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:

DANIEL J. WALLACE  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**Exhibit C**

**Ordinance No. 4680 Overall Sign Plans, Special Care Homes, and Temporary Sales Offices  
County Land Use and Development Code**



ORDINANCE NO. 4680

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 SECTION 35.21.030 (AGRICULTURAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.21 (AGRICULTURAL ZONES), SECTION 35.22.030 (RESOURCE PROTECTION ZONES ALLOWABLE LAND USES) OF CHAPTER 35.22 (RESOURCE PROTECTION ZONES), SECTION 35.23.030 (RESIDENTIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.23 (RESIDENTIAL ZONES), SECTION 35.24.030 (COMMERCIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.24 (COMMERCIAL ZONES), SECTION 35.25.030 (INDUSTRIAL ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (INDUSTRIAL ZONES), AND SECTION 35.26.030 (SPECIAL PURPOSE ZONES ALLOWABLE LAND USES) OF CHAPTER 35.25 (SPECIAL PURPOSE ZONES), OF ARTICLE 35.2 (ZONES AND ALLOWABLE LAND USES); AND SECTION 35.36.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.36, PARKING AND LOADING STANDARDS, OF ARTICLE 35.3 SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.42.070, COMMUNITY CARE FACILITIES, AND SECTION 35.42.260, TEMPORARY USES AND TRAILERS, OF CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, OF ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.80.020, AUTHORITY FOR LAND USE AND ZONING DECISIONS; OF CHAPTER 35.80, PERMIT APPLICATION FILING AND PROCESSING; AND SECTION 35.82.130, OVERALL SIGN PLANS, OF CHAPTER 35.82, PERMIT REVIEW AND DECISIONS, OF ARTICLE 35.8, PLANNING PERMIT PROCEDURES; TO REVISE (1) THE EXISTING PROCEDURES FOR PERMITTING SPECIAL CARE HOMES AND TEMPORARY SALES OFFICES IN NEW SUBDIVISIONS, AND (2) THE PROCESSING OF OVERALL SIGN PLANS.

Case No. 08ORD-00000-00006

The Board of Supervisors of the County of Santa Barbara, State of California, 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 amended to amend Subsection C, Development Plan approval required, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

- C. Development Plan approval required.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
- 1. Exemptions from floor area calculations.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan.
    - a. The structure qualifies as winery structural development.
    - b. If the structure is existing, than it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

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 amended to amend 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, by, in the Residential Uses section of Table 2-1, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 amended to amend Subsection C, Development Plan approval required, of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:
- 1. MT-GOL, MT-TORO, MT-TORO (CZ), and RMZ (CZ) zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.
  - 2. RMZ Inland area.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading.

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 amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Management Zones) of Section 35.22.030, Resource Management Zones Allowable Land Uses, of Chapter 35.22, Resource Management Zones, by, in the Residential Uses section of Table 2-4, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 amended to amend Subsection C, Development Plan approval required, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:
- 1. RR, R-1/E-1, EX-1 and R-2 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval and is



20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

2. **DR zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development within the DR zone, including grading, except that the following do not require Development Plan approval.
  - a. **Coastal Zone and Inland area.** Within the Coastal Zone and Inland area, one one-family dwelling and residential accessory uses and structures on a single lot where a Final Development Plan was not previously approved unless required in compliance with Subsection C.1 above. The one-family dwelling shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.040 (Residential Zones Development Standards).
  - b. **Inland area.** Within the Inland area, orchards, vegetable and flower gardens, raising of field crops and uses and structures accessory and customarily incidental thereto.
3. **MHP, MHS and SLP zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the MHP, MHS, and SLP zones.
4. **PRD zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading, within the PRD zone, except that orchards, vegetable and flower gardens, the raising of field crops and uses and structures accessory and customarily incidental thereto do not require a Development Plan; but shall be subject to the development standards applicable to the R-1/E-1 zone in Section 35.23.050 (Residential Zones Development Standards).
5. **SR-M and SR-H zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all development, including grading within the SR-M and SR-H zones, except that the development of a one-family dwelling or a duplex does not require a Development Plan.

#### 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 amended to amend 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, by, in the Residential Uses section of Table 2-7, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

#### 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 amended to amend 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, by, in the Residential Uses section of Table 2-8, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

#### 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 amended to amend 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, by, in the Residential Uses section of Table 2-9, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 amended to amend Subsection C, Development Plan approval required, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, to read as follows:

- C. Development Plan approval required.** Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required as follows:
  - 1. CN and C-1 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for structures that exceed 5,000 square feet in gross floor area.
  - 2. C-2 and C-3 zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for buildings and structures that total 5,000 or more square feet in gross floor area or where onsite buildings and structures and outdoor areas designated for sales or storage total 20,000 square feet or more.
  - 3. C-S, C-V, SC, and PI zones.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading.
  - 4. CH zone.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for all proposed development, including grading, except that in the Coastal Zone a Final Development Plan is not required for the following, provided that all other requirements of the CH zone are complied with:
    - a. Additions to uses or structures on property developed as of February 1, 1963; and
    - b. Development on a legal lot of less than 20,000 square feet of net land area created on or before February 1, 1963.

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 amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-14, amending “Special care home, 14 or fewer clients” to read “Special care home, 6 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 amended to amend Table 2-15 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending “Special care home, 14 or fewer clients” to read

“Special care home, 6 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

#### SECTION 12:

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 amended to amend Table 2-16 (Allowed Land Uses and Permit Requirements for Commercial Zones) of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones, by, in the Residential Uses section of Table 2-15, amending “Special care home, 14 or fewer clients” to read “Special care home” and deleting “Special care home, 15 or more clients.”

#### SECTION 13:

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 amended to amend Table 2-20 (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, by, in the Residential Uses section of Table 2-15, amending “Special care home, no client restrictions” to read “Special care home.”

#### SECTION 14:

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 amended to amend Subsection C, Development Plan approval required, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, to read as follows:

**C. Development Plan approval required.** Development Plan approval compliance with [Section 35.82.080 \(Development Plans\)](#) is required as follows:

1. **MU, PU, and REC zones.** Within the MU, PU, and REC zones, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading.
2. **OT zones.**
  - a. **OT-R/LC and OT-GC.** Final Development Plan approval is in compliance with Section 35.82.080 (Development Plans) required for structures that total 5,000 square feet or more in gross floor area, or developments that total 10,000 square feet or more.
  - b. **OT-R.** Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required for all multi-family residential development, including grading.
  - c. **Lot subject to the Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone.** If a lot is subject to Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone), then the development plan requirements of Section 35.28.160 (Pedestrian Area - Old Town Orcutt (PA-OTO) Overlay Zone) shall apply instead of Subsections 2.a. and 2.b., above.
3. **TC zone.** Within the TC zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to any development, including grading, except as listed below.
  - a. Transportation-related development or structures necessary for the operation of railroads or highways in existence at the time of adoption of the ordinance creating the TC zone (August

10, 1994) shall not be deemed legal non-conforming uses. This provision is intended to permit new development without requiring a Development Plan for existing public works or public utilities that will not be affected by the new development, and to allow for the repair of existing facilities.

- b. Safety, signalization, barriers, and grade crossing devices installed for the purpose of improving the safe operation of railroads or highways shall be exempt from the permit requirements of the TC zone.

**SECTION 15:**

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 amended to amend Table 2-22 (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, by, in the Residential Uses section of Table 2-22, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home,” and deleting existing Note (6) “If zone designation is OT-LC or OT-GC, a Special Care Home may be allowed with a MCUP,” and renumber the remaining existing Notes accordingly.

**SECTION 16:**

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 amended to amend Table 2-23 (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, by, in the Residential Uses section of Table 2-23, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home.”

**SECTION 17:**

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 amended to amend Table 3-4, Residential Parking Standards, of Section 35.36.050, Required Number of Spaces: Residential Uses, to add a Note (5) to “Retirement and special care homes” and in the Notes section of Table 3-4 that reads “Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.”

**SECTION 18:**

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 amended to amend Subsection 35.42.090.D, Special care homes, of Section 35.42.090, Community Care Facilities, of Chapter 35. 42, Standards for Specific Land Uses, to read as follows:

**D. Special care homes.**

**1. In general.**

- a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.
- b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

**2. Special care homes serving six or fewer clients.**

- a. Considered a residential use.** In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.
- b. Allowable restrictions.** Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
- c. Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- d. Ministerial action.**
  - (1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
  - (2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

**3. Special care homes serving seven or more clients.**

- a. Minor Conditional Use Permit required.** A special care home serving seven or more clients shall be required to obtain a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) prior to the operation of the special care home.
- b. Development Standards.**
  - (1) There shall be only a single kitchen.
  - (2) Off-street parking shall be provided in compliance with Chapter 35.36 (Parking and Loading Standards).

**SECTION 19:**

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 amended to amend Table 4-10 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

<b>Table 4-10</b>  <b>Allowed Temporary Uses and Permit Requirements for Agricultural Zones</b>	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	P	Permitted use, Land Use or Coastal Permit required			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Certified farmers market	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (5 or more agricultural employees)	—	—	CUP	CUP	35.42.260.G.5
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICES/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (agricultural office)	S	S	S	S	35.42.260.G.6
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	35.42.260.G.13

**Key to Zone Symbols**

<b>AG-I</b>	Agricultural I	<b>CZ</b>	Coastal Zone
<b>AG-II</b>	Agricultural II		

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 20:**

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 amended to amend Table 4-11 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

<b>Table 4-11</b>  <b>Allowed Temporary Use and Permit Requirements for Resource Protection Zones</b>	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>MT-GOL</b>	<b>MT-TORO</b>	<b>MT-TORO CZ</b>	<b>RMZ</b>	<b>RMZ CZ</b>	

**TEMPORARY EVENTS**

Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

**Key to Zone Symbols**

<b>MT-GOL</b>	Mountainous Area - Goleta	<b>RMZ</b>	Resource Management
<b>MT-TORO</b>	Mountainous Area - Toro Canyon	<b>CZ</b>	Coastal Zone

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 21:**

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 amended to amend Table 4-12 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

<b>Table 4-12</b>  <b>Allowed Temporary Uses and Permit Requirements for Residential Zones</b>	E	Allowed use, no permit required (Exempt)
	ZC	Permitted use, Zoning Clearance required
	P	Permitted use, Land Use or Coastal Permit required
	MCUP	Minor Conditional Use Permit required
	CUP	Conditional Use Permit required
	S	Permit determined by Specific Use Regulations
	—	Use Not Allowed
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>	<b>Specific Use Regulations</b>
	<b>ALL RESIDENTIAL ZONES</b>	

**TEMPORARY EVENTS**

Certified farmers market (incidental)	CUP (2)	35.42.260.F.3
Charitable functions	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	35.42.260.F.7
Public property	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	35.42.260.F.10
Seasonal sales lots	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	35.42.260.F.12
Subdivision sales office	Coastal Zone - P   Inland area - ZC	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	MCUP(3)	35.42.260.G.4
Trailer (watchman during construction)	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	35.42.260.G.14

**TEMPORARY OFFICES/STORAGE**

Trailer (accessory to permanent building)	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	35.42.260.G.7
Trailer (agricultural office)	—	
Trailer (construction office, shop, storage, etc.)	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	35.42.260.G.12
Trailer (subdivision sales office)	Coastal Zone - P   Inland area - ZC	345.42.260.G.13

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Use not allowed in the EX-1 and EX-1 CZ zones.
- (3) Use not allowed in the PRD-CZ, SLP, MHP, MHP-CZ, and MHS zones.

**SECTION 22:**

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 amended to amend Table 4-13 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:



<b>Table 4-13</b>  <b>Allowed Temporary Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>CN</b>	<b>C-1</b>	<b>C-1 CZ</b>	<b>C-2</b>	<b>C-2 CZ</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.5
Parking lot sale	—	—	—	S	S	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	P	ZC	P	35.42.260.F.13
Swap meet	—	—	—	CUP	CUP	

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	P	P	P	35.4.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	P	ZC	P	35.42.260.G.13

**Key to Zone Symbols**

<b>CN</b>	Neighborhood commercial	<b>C-2</b>	Retail commercial
<b>C-1</b>	Limited commercial	<b>CZ</b>	Coastal zone

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

<b>Table 4-13 - Continued</b>  <b>Allowed Temporary Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>C-3</b>	<b>CS</b>	<b>CH</b>	<b>CH CZ</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	35.42.260.F.2
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	35.42.260.F.5
Parking lot sale	S	—	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	P	35.42.260.F.13
Swap meet	CUP	—	—	—	35.42.260.F.14

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	P	35.42.260.G.13

**Key to Zone Symbols**

<b>C-3</b>	General commercial	<b>CH</b>	Highway commercial
<b>CS</b>	Service commercial	<b>CZ</b>	Coastal Zone

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

<b>Table 4-13 - Continued</b>  <b>Allowed Temporary Uses and Permit Requirements for Commercial Zones</b>	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>C-V</b>	<b>C-V CZ</b>	<b>SC</b>	<b>PI</b>	<b>PI CZ</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	P	P	P	35.42.260.F.1
Car washes	S	S	S	S	S	35.42.260.F.2
Certified farmers market	—	—	MCUP	MCUP	MCUP	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Mobile vendors	—	—	—	—	—	35.42.260.F.5
Parking lot sale	—	—	S	—	—	35.42.260.F.6
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	P	35.42.260.F.13
Swap meet	—	—	—	—	—	

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	—	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	—	
Trailer (watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	—	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	—	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	—	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	ZC	P	35.42.260.G.13

**Key to Zone Symbols**

<b>C-V</b>	Visitor-serving Commercial	<b>PI</b>	Professional and Institutional
<b>SC</b>	Shopping center	<b>CZ</b>	Coastal Zone

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 23:****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 amended to amend Table 4-14 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

<b>Table 4-14</b> <b>Allowed Temporary Uses and Permit Requirements for the Industrial Zone</b>	E	Allowed use, no permit required (Exempt)							
	ZC	Permitted use, Zoning Clearance required							
	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							
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>								
	<b>M-RP</b>	<b>M-RP CZ</b>	<b>M-1</b>	<b>M-2</b>	<b>M-CR</b>	<b>M-CR CZ</b>	<b>M-CD CZ</b>	<b>Specific Use Regulations</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	P	P	P	P	P	35.42.260.F.1
Certified farmers market	MCUP	MCUP	MCUP	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	ZC	ZC	P	P	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	—	—	—	—	—	—	—	
Trailer (4 or less agricultural employees)	—	—	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	—	—	—	—	—	—	—	
Trailer (dwelling during construction of new dwelling)	—	—	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	—	—	—	—	—	—	—	
Trailer (subdivision sales office)	ZC	P	ZC	ZC	ZC	P	P	35.42.260.G.13

**Key to Zone Symbols**

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

**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 24:**

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 amended to amend Table 4-15 of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	MU	OT-R	OT-R/LC	OT-R/GC	
<b>Table 4-15</b>  <b>Allowed Temporary Uses and Permit Requirements for Special Purpose Zones</b>	E	Allowed use, no permit required (Exempt)			
	ZC	Permitted use, Zoning Clearance required			
	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			

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	P	P	—	—	35.42.260.F.1
Certified farmers market	MCUP	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	ZC	ZC	ZC	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	P	P	P	P	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	35.42.260.G.4
Trailer (watchman during construction)	P	P	P	P	35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	P	P	P	P	35.42.260.G.10
Trailer (dwelling during construction of new dwelling)	P	P	P	P	35.42.260.G.9
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	E	E	35.42.260.G.12
Trailer (subdivision sales office)	ZC	ZC	ZC	—	35.42.260.G.12

**Key to Zone Symbols**

<b>MU</b>	Mixed Use	<b>OT-R/GC</b>	Old Town - Residential/General Commercial
<b>OT-R</b>	Old Town - Residential	<b>OT-R/LC</b>	Old Town - Residential/Light Commercial

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

<b>Table 4-15 - Continued</b>	E	Allowed use, no permit required (Exempt)				
	ZC	Permitted use, Zoning Clearance required				
	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				
<b>Allowed Temporary Uses and Permit Requirements for Special Purpose Zones</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>PU</b>	<b>PU CZ</b>	<b>REC</b>	<b>REC CZ</b>	<b>TC CZ</b>	

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	—	—	—	—	—	
Certified farmers market	—	—	—	—	—	
Certified farmers market (incidental)	CUP	CUP	CUP	CUP	CUP	35.42.260.F.3
Charitable functions	S	S	S	S	S	35.42.260.F.4
Public assembly events in facilities; event consistent	E	E	E	E	E	35.42.260.F.7
Public property	E	E	E	E	E	35.42.260.F.8
Reception and similar gathering facilities (commercial)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.9
Rodeos and other equestrian events	S	S	S	S	S	35.42.260.F.10
Seasonal sales lots	P	P	P	P	P	35.42.260.F.11
Spectator entertainment facilities	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.F.12
Subdivision sales office	ZC	P	ZC	P	P	35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	—	—	—	—	—	35.42.260.F.15
Trailer (4 or less agricultural employees)	—	—	—	—	MCUP	35.42.260.G.4
Trailer(watchman during construction)	P	P	P	P	P	35.42.260.G.15
Trailer(dwelling after destruction of dwelling)	—	—	—	—	—	
Trailer(dwelling during construction of new dwelling)	—	—	—	—	—	
Trailer (railroad work camp)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.11
Trailer (watchman)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.14

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.3
Trailer (air quality monitoring station)	MCUP	MCUP	MCUP	MCUP	MCUP	35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.42.260.G.8
Trailer (storage as accessory to dwelling)	E	E	—	—	—	35.42.260.G.12
Trailer (subdivision sales office)	ZC	P	ZC	P	P	35.42.260.G.13

**Key to Zone Symbols**

<b>PU</b>	Public Works/Utilities	<b>TC</b>	Transportation Corridor
<b>REC</b>	Recreation	<b>CZ</b>	Coastal Zone

**Notes:**

(1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 25:**

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 amended to amend Subsection 13., Subdivision sales office, of Subsection F., Permit requirements and development standards for specific temporary uses, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

- 13. Subdivision sales office.** Subdivision sales offices may be allowed in compliance with the following development standards:
- a. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.
  - b. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within a portion of a model home, other than the garage, or unless the Commission has approved its conversion to a permanent use.
  - c. During the time it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.
  - d. The garage of a model home may be used as the sales office subject to the recordation of an agreement by the owner of the lot that the model home is located on prior to the issuance of the Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) to allow the use of the garage as a sales office specifying that sales office will be converted to a garage at the time of expiration of the Coastal Development Permit or the Land Use Permit or Zoning Clearance. The occupancy of the model home shall not be allowed until the sales office has been removed or a two-car garage is provided for the model home.
    - (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner's obligations set forth in said agreement.
  - e. The Coastal Development Permit or Land Use Permit or Zoning Clearance shall expire after either the initial sale of all the lots within the subdivision in which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity, or within one year after the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance, whichever is earlier.
  - f. The Coastal Development Permit or Land Use Permit or Zoning Clearance may be extended one time by the Director for one year upon application of the subdivider for good cause shown.
  - g. If the sales office is located in a separate structure including a trailer, then an agreement shall be recorded by the owner of the lot that the sales office is located on prior to the issuance of the Coastal Development Permit in compliance with [Section 35.82.050](#) or Land Use Permit in compliance with [Section 35.82.110](#) or Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#) to allow the construction or installation of the sales office specifying that sales office will be removed within 30 days after expiration of the Coastal Development Permit or Land Use Permit or Zoning Clearance or any extension thereof, or after notification by the Director if the Commission at any time finds that the sales office is unsightly or has become a public nuisance.

- (1) Said agreement shall include the granting of access to the lot to the Department as necessary to ensure that performance of said owner’s obligations set forth in said agreement.

**SECTION 26:**

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 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:

Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors
<b>Administrative and Legislative</b>				
Development Code Amendments			Recommend	Decision
Comprehensive Plan Amendments			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Local Coastal Program Amendments			Recommend	Decision
Specific Plans and Amendments			Recommend	Decision
Zoning Map Amendments			Recommend (2)	Decision
<b>Planning Permits</b>				
Coastal Development Permits(without hearing) (3)	Decision		Appeal	Appeal
Coastal Development Permits (with hearing)		Decision	Appeal	Appeal
Conditional Use Permits			Decision	Appeal
Design Review	See Footnote (4) below			
Development Plans	See Table 8-2 (Development Plan Review Authorities) in <a href="#">Section 35.82.080 (Development Plans)</a> for applicable Development Plan Thresholds			
Emergency Permits	Decision			
Hardship Determinations		Decision		
Land Use Permits	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			
Reclamation and Surface Mining Permits			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	Appeal
Variances		Decision	Appeal	Appeal
Zoning Clearances	Decision			



Type of Action	Role of Review Authority (1)			
	Director	Zoning Administrator	Planning Commission	Board of Supervisors

**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.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35.82.050.D.2.
- (4) 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.

SECTION 27:

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 amended to amend Section 35.82.130, Overall Sign Plans, of Chapter 35.82, Permit Review and Decisions, to read as follows:

**35.82.150 - Overall Sign Plans**

- A. Purpose and intent.** This Section establishes procedures and findings for the approval of Overall Sign Plans that regulate signs located within a shopping center. The intent is to ensure that signs within a shopping center are visually attractive and are in a harmonious relationship to one another.
- B. Applicability.** The provisions of this Section shall apply to all proposed signs located within shopping centers.
- C. Allowed modifications.** The Zoning Administrator may allow the following sign modifications as part of the approval of an Overall Sign Plan:
  - 1. Freestanding signs.** An increase in the height, number and size limitations on freestanding signs.
  - 2. Menu boards for drive-through restaurants.** An increase in the area limitation of menu boards.
  - 3. Under canopy sign.** An increase in the area limitation of under canopy signs.
  - 4. Wall sign.** An increase in the area limitation of wall signs.
- D. Contents of application.** An application for an Overall Sign Plan shall be submitted in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
- E. Processing.**
  1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
    - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.
  2. Review authority.
    - a. The review authority for the application for the Development Plan for the shopping center

shall be the review authority for the application for the Overall Sign Plan.

- b. The review authority for an application for an Overall Sign Plan submitted in compliance with Subsection 1.a, above, shall be the Zoning Administrator
3. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
4. The Overall Sign Plan shall be subject to Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
  - a. The Board of Architectural Review shall provide a recommendation to the review authority on:
    - (1) The effect of the proposed Overall Sign Plan on:
      - (a) The various parts of and commercial enterprises within the shopping center.
      - (b) The streets and properties surrounding the shopping center.
      - (c) The overall continuity of design and signs within the shopping center.
    - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
  - b. If the area of menu boards for drive-through restaurants, under canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Board of Architectural Review shall make specific recommendations to the review authority on any such modification.
5. The review authority shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Zoning Administrator shall consider the effect of the proposed Overall Sign Plan upon:
  - a. The various parts of and commercial enterprises within the shopping center.
  - b. The streets and properties surrounding the shopping center.
  - c. The overall continuity of design and signs within the shopping center.
6. Notice of the hearing shall be given and the hearing shall be conducted in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
  - a. In addition to mailed notice required in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#) notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
7. The action of the review authority is final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).

**F. Findings required for approval.** If an Overall Sign Plan includes any modifications in compliance with Subsection C. (Allowed modifications) above, then the Overall Sign Plan application shall be approved or conditionally approved only if the review authority first makes all of the following findings, as applicable:

- 1. Freestanding signs.** The proposed area, height, or number of freestanding signs is architecturally harmonious in relation to the size and location of the shopping center.
- 2. Menu boards for drive-through restaurants.**
  - a. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the structure on which it will be placed.

- b. The proposed area of the menu board is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.
- 3. Under-canopy signs.** The proposed area of the under-canopy sign is architecturally harmonious in relation to the size and location of the building area occupied by the enterprise proposing the sign.
- 4. Wall signs.**
  - a. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the structure on which it will be placed.
  - b. The proposed area of the wall sign is architecturally harmonious in relation to the size and location of the area on which the structure is constructed.

SECTION 28:

Except as amended by this Ordinance, Article 35.2, 35.3, 35.4, 35.6 and 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 29:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage 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.

SECTION 30:

Within the non-Coastal Zone portion of Santa Barbara County, 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 15<sup>th</sup> day of July, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

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SALUD CARBAJAL  
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:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**Exhibit D**

**Ordinance No. 4681 Overall Sign Plans and Special Care Homes  
County Land Use and Development Code**



ORDINANCE NO. 4681

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 SECTION 35.421.030, AGRICULTURAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.421, AGRICULTURAL ZONES, AND SECTION 35.422.030, RESOURCE PROTECTION ZONES ALLOWABLE LAND USES, OF CHAPTER 35.422, RESOURCE PROTECTION ZONES, AND SECTION 35.423.030, RESIDENTIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.423, RESIDENTIAL ZONES, AND SECTION 35.424.030, COMMERCIAL ZONES ALLOWABLE LAND USES, OF CHAPTER 35.424, COMMERCIAL ZONES, ALL OF DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES; AND SECTION 35.436.050, REQUIRED NUMBER OF SPACES: RESIDENTIAL USES, OF CHAPTER 35.436, PARKING AND LOADING STANDARDS, OF DIVISION 35.3 MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; AND SECTION 35.442.070, COMMUNITY CARE FACILITIES, OF CHAPTER 35.442, STANDARDS FOR SPECIFIC LAND USES, OF DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; AND SECTION 35.472.130, OVERALL SIGN PLANS, OF CHAPTER 35.472, PERMIT REVIEW AND DECISIONS, OF DIVISION 35.2, MONTECITO PLANNING PERMIT PROCEDURES, TO REVISE THE EXISTING PROCEDURES FOR PROCESSING OVERALL SIGN PLANS AND PERMITTING SPECIAL CARE HOMES.

Case No. 08ORD-00000-00007

The Board of Supervisors of the County of Santa Barbara, State of California, 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 amended to amend Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.421.030, Agricultural Zones Allowable Land Uses, of Chapter 35.421, Agricultural Zones, by, in the Residential Uses section of Table 2-1, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

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 amended to amend Table 2-4 (Allowed Land Uses and Permit Requirements for Resource Protection Zones) of Section 35.422.030, Resource Protection Zones Allowable Land Uses, of Chapter 35.422, Resource Protection Zones, by, in the Residential Uses section of Table 2-4, deleting "Special care home, 14 or fewer clients" and amending "Special care home, 15 or more clients" to read "Special care home, 7 or more clients."

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 amended to amend Table 2-7 (Allowed Land Uses and Permit Requirements for Residential Zones) and 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, by, in the Residential Uses section of Table 2-7 and Table 2-8, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 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, by, in the Residential Uses section of Table 2-12, deleting “Special care home, 14 or fewer clients” and amending “Special care home, 15 or more clients” to read “Special care home, 7 or more clients.”

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 amended to amend Table 2-14 (Allowed Land Uses and Permit Requirements for Special Purpose Zones) of Section 35.425.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.425, Special Purpose Zones, by, in the Residential Uses section of Table 2-14, deleting “Special care home, 14 or fewer clients” and deleting “Special care home, 15 or more clients.”

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 amended to amend Table 3-3, Residential Parking Standards, of Section 35.436.050, Required Number of Spaces: Residential Uses, to add a Note (3) to “Retirement and special care homes” and in the Notes section of Table 3-3 that reads “Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.”

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 amended to amend Subsection 35.442.070.D, Special care homes, of Section 35.442.070, Community Care Facilities, of Chapter 35.442, Standards for Specific Land Uses, to read as follows:

**D. Special care homes.**

**1. In general.**

- a. Structural installations that are necessary to accommodate disabled residents (e.g., ramps, lifts, handrails) in compliance with the Fair Housing Act shall be allowed without having to obtain a Variance or Modification if otherwise required.
- b. The application and the requirements of this Development Code may be waived by the review authority if necessary to comply with the Federal and/or State Fair Housing and Disability Laws relating to accommodation for persons with disabilities.

**2. Special care homes serving six or fewer clients.**



- a. **Considered a residential use.** In compliance with California Health and Safety Code Section 1566, special care homes serving six or fewer clients are considered a residential and not a commercial use of property, and the clients and operators of the facility shall be considered a family. For the purposes of this Development Code, special care homes serving six or fewer clients are considered a dwelling and shall be allowed in compliance with [Division 35.2 \(Montecito Zones and Allowable Land Uses\)](#). No Conditional Use Permit, Variance, or planning permit shall be required which is not required of a dwelling of the same type in the same zone.
- b. **Allowable restrictions.** Restrictions on structure height, setbacks, lot dimensions or placement of signs may be applied as long as such restrictions are identical to those applied to other dwellings of the same type in the same zone.
- c. **Fees.** Such facilities shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other dwellings of the same type in the same zone are not likewise subject.
- d. **Ministerial action.**
  - (1) The review of special care homes serving six or fewer clients shall be a ministerial action exempt from the requirements of the California Environmental Quality Act, unless the approval is subject to approval of a Coastal Development Permit within a Geographic Appeals Area within the Coastal Zone.
  - (2) When a special care home serving six or fewer clients is proposed to be located in a zone where the residential use requires a Conditional Use Permit, an additional Conditional Use Permit is not required for the special care home if the residential use has obtained the necessary Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits).

**3. Special care homes serving seven or more clients.**

- a. **Conditional Use Permit required.** A special care home serving seven or more clients shall be required to obtain a Conditional Use Permit in compliance with Section 35.472.070 (Conditional Use Permits) prior to the operation of the special care home.
- b. **Development standards.**
  - (1) There shall be only a single kitchen.
  - (2) Off-street parking shall be provided in compliance with Chapter 35.436 (Parking and Loading Standards).

SECTION 8:

DIVISION 35.7, 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 amended to amend Subsection 35.472.130.E, Processing, of Section 35.472.130, Overall Sign Plans, of Chapter 35.472, Permit Review and Decisions, to read as follows:

**E. Processing.**

- 1. An application for an Overall Sign Plan shall be submitted concurrently with an application for a Development Plan for a shopping center and shall be processed in conjunction with such Development Plan application, except as provided below.
  - a. An application for an Overall Sign Plan may be submitted independently if the Overall Sign

Plan is for an existing shopping center and the processing of a new or revised Development Plan is not required.

2. After receipt of an application for an Overall Sign Plan, the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
3. The Overall Sign Plan shall be subject to Design Review in compliance with Section 35.472.070 (Design Review).
  - a. The Montecito Board of Architectural Review shall provide a recommendation to the Montecito Commission on:
    - (1) The effect of the proposed Overall Sign Plan on:
      - (a) The various parts of and commercial enterprises within the shopping center.
      - (b) The streets and properties surrounding the shopping center.
      - (c) The overall continuity of design and signs within the shopping center.
    - (2) The number, type, height, location, size, design, color, materials, and lighting of signs contained within the Overall Sign Plan.
  - b. If the area of menu boards for drive-through restaurants, under-canopy signs, or wall signs, or the area, height, or number of freestanding signs is proposed to be in excess of that otherwise allowed in compliance with this Development Code, then the Montecito Board of Architectural Review shall make specific recommendations to the Montecito Commission on any such modification.
4. The Montecito Commission shall hold at least one noticed public hearing on the requested Overall Sign Plan and approve, conditionally approve, or deny the request. The Montecito Commission shall consider the effect of the proposed Overall Sign Plan upon:
  - a. The various parts of and commercial enterprises within the shopping center.
  - b. The streets and properties surrounding the shopping center.
  - c. The overall continuity of design and signs within the shopping center.
5. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.496 (Noticing and Public Hearings).
  - a. In addition to mailed notice required in compliance with Chapter 35.496 (Noticing and Public Hearings), notice shall also be mailed a minimum of 10 days prior to the public hearing to all tenants within the shopping center.
6. The action of the Montecito Commission is final subject to appeal in compliance with Chapter 35.492 (Appeals).

#### SECTION 9:

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

#### SECTION 10:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this

ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage 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.

SECTION 11:

Within the non-Coastal Zone portion of Santa Barbara County, 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 15<sup>th</sup> day of July, 2008, by the following vote:

AYES: Supervisors Carbajal, Wolf, Firestone, Gray, Centeno

NOES: None

ABSTAINED: None

ABSENT: None

\_\_\_\_\_  
SALUD CARBAJAL  
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:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



**Exhibit E**  
**Ordinance No. 4686**  
**County Land Use and Development Code**



ORDINANCE NO. 4686

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 35.6 (RESOURCE MANAGEMENT), TO ADD A NEW CHAPTER 35.64 (TRANSFER OF DEVELOPMENT RIGHTS) TO IMPLEMENT A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM IN SANTA BARBARA COUNTY.

Case Nos. 08ORD-00000-00008

The Board of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.6, Resource Management, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Chapter 35.64, Transfer of Development Rights, to read as follows:

**Chapter 35.64 - Transfer of Development Rights**

**Sections:**

- 35.64.010 - Program Purpose and Intent, Description and Goals
- 35.64.020 - Applicability
- 35.64.030 - Definitions
- 35.64.040 - Program Administration
- 35.64.050 - Sending Sites
- 35.64.060 - Receiving Sites
- 35.64.070 - Reserved
- 35.64.080 - Amenity Funds
- 35.64.090 - Transfer of Development Rights Authority
- 35.64.100 - Inter Jurisdictional Agreements
- 35.64.110 – General Limitations

**35.64.010 - Program Purpose and Intent, Description and Goals**

**A. Purpose and intent.**

The provisions of this Chapter implement the Transfer of Development Rights program. The intent of this program is to transfer development potential from eligible Naples lots to eligible receiving sites along the South Coast of Santa Barbara County in furtherance of Coastal Land Use Plan Policy 2-13. The overriding purpose is to extinguish the rights to develop Naples lots determined to have the greatest public benefit by the Board.

**B. Description.**

1. The Transfer of Development Rights program is a market-driven program involving willing sellers and willing buyers. Landowners are not obligated to use the program but may participate voluntarily. The Transfer of Development Rights program allows eligible sending site (lots targeted for preservation) landowners to sever the development right(s), as defined in this Chapter, from rights associated with land ownership. Sending site landowners that choose to participate in the program are compensated at fair market value for the lost development potential through market sales of those development rights. Once the development rights are sold, the land is protected from future development in perpetuity through conservation easements. Sending site landowners are incentivized to participate since they can forego the lengthy and often costly development approval and building

process yet receive payments commensurate with the realized profits of their property built to its highest and best use.

2. Eligible receiving sites (lots to accommodate development) in the unincorporated areas of the County may be developed at higher densities than otherwise allowed under current zoning with requisite purchases of “density credits.” So called receiving site developers are incentivized to participate since they are able to realize greater profits through enhanced entitlements.
3. Participating Entities that adopt plans and ordinances to allow for increased density on receiving sites may opt to participate in the County’s Transfer of Development Rights program through legally binding inter-jurisdictional agreements.

### **C. Goals.**

1. The primary goal of the Transfer of Development Rights program shall be to transfer the maximum number of development rights from Naples Townsite lots that serve one or a combination of the following objectives onto properties more suitable for development that lie within Urban areas designated on the Comprehensive Plan maps that are located within the South Coast and provide for the:
  - a. Preservation of Naples lots most visible from Highway 101.
  - b. Preservation of Naples lots located within the Coastal Zone.
  - c. Preservation of Naples lots located on or adjacent to a coastal bluff.
  - d. Preservation of Naples lots located on prime agricultural land.
  - e. Preservation of Naples lots within or near environmentally sensitive habitat areas.
  - f. Preservation of Naples lots within or near culturally or archaeologically sensitive areas.
  - g. Preservation of Naples lots for other conservation purposes as the Board may direct, upon a recommendation of the Planning Commission.
2. The preservation objectives appearing in Section 35.64.010 C.1. are listed without regard to order of priority. For funds derived from the purchase of transferable development credits, the Board, upon a recommendation from the Planning Commission, shall designate and prioritize transfers by Resolution at such intervals as it may so determine is appropriate in relation to funds available to effectuate transfers. For all other funds deposited with the TDR Authority pursuant to Section 35.64.090, priorities may be designated by the contributor (e.g., Participating Entity, private donor, etc.); if priorities are not so established by the contributor, the priorities established by Board Resolution shall apply.

### **35.64.020 - Applicability**

The provisions of this Chapter shall apply to eligible Naples Townsite sender lots and designated receiving sites along the South Coast of Santa Barbara County.

### **35.64.030 - Definitions**

The Section provides definitions of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section conflict with definitions in other sections of this Development Code or other provisions of the County Code, these definitions shall control for the purposes of this Chapter.

**Amenity funds.** A percent of the revenue collected from TDR Authority sales of Transferable Development Credits that are set aside to fund infrastructure and park/recreational enhancements in



receiving site neighborhoods as both an incentive and reward for accepting increased density.

**Base density.** The number dwelling units allowed on the receiving site under the property's current zoning.

**Conservation easement.** A legal deed restriction recorded on the title to the property that severs in perpetuity the right to develop dwelling unit(s), commercial, and/or industrial facilities on said property.

**Development right.** One of the rights associated with land ownership that entitles a landowner to develop his property in compliance with the local government General Plan and zoning regulations. For purposes of this Chapter, a development right is limited to principal permitted uses (i.e., uses that do not require the approval of a Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits)) that entail physical alteration of real property including residential, commercial and industrial uses; however open space, grazing and agricultural crop production are expressly excluded.

**Grid lots.** Legal lots recognized under the Official Map.

**Inter-jurisdictional agreement:** A legal agreement to transfer development potential between the County and a Participating Entity. The agreement articulates the conditions tied to the transfer of development rights to ensure that both jurisdictions mutually benefit.

**Naples lots.** One or a combination of: (a) grid lots; or (b) reconfigured lots resulting from lawful mergers, line adjustments and re-divisions approved by the County in connection with rezoning of all or part of the Naples Townsite pursuant to Coastal Land Use Plan Policy 2-13.

**Naples Townsite.** The area encompassed by the Official Map.

**Neighborhood Enhancement Projects.** Infrastructure and park/recreational enhancements constructed in receiving site neighborhoods as an incentive or concession to approving receiver sites which are in addition to any developer impact fees or mitigation otherwise required in compliance with the California Environmental Quality Act..

**Official Map.** The Official Map of Naples approved by the Board on October 3, 1995, and filed for the record on December 19, 1995, in Book 99, at Pages 4 through 9 of Maps.

**Participating Entity.** A governmental organization having land use authority within Santa Barbara County (e.g., incorporated Cities, University of California, California Division of Fairs and Expositions, United States Government, etc.) that has entered into an inter-jurisdictional agreement to participate in the Transfer of Development Rights program.

**Pre-screen.** A preliminary application and non-binding advisory determination of the appropriate density for a potential receiver site.

**Receiving site.** Legal lot(s) the County (or Participating Entity) has determined to be appropriate for increased development density with the purchase of transferable development credits.

**Rural and Urban areas.** Rural and Urban areas as designated on the Comprehensive Plan maps.

**Sending site.** Legal lots identified by the County pursuant to Section 35.64.050 (Sending Sites), the underlying development rights to which, at the landowner's discretion, may be severed and sold to the TDR Authority.

**South Coast.** The unincorporated area located east of Highway 101 at Gaviota, south of the ridge of the Santa Ynez Mountains, and west of the Ventura County line.

**TDR Authority.** The Transferable Development Rights Authority established pursuant to Section 35.64.090, which may be a governmental agency, or a non-governmental agency such as a local land

trust or national conservation organization, established and given authority by the County to buy transferable development rights and sell transferable development credits..

**Transferable Development Credit.** A certificate which grants one additional dwelling unit above base density, on specified receiving sites, that can only be purchased from the TDR Authority.

**Transferable Development Credit Density Bonus.** The number of additional units above base density that can be built in association with a County approved receiving site project with the purchase of transferable development credits.

**Transferable Development Rights.** Development rights, as defined in this Chapter, from sending sites that can voluntarily severed from the associated with the property's ownership at the initiation of the landowner and sold to the TDR Authority.

### **35.64.040 - Program Administration**

The Department and Director shall have principal responsibility for administration of Transfer of Development Rights under the provisions of this Chapter. Except or unless otherwise noted, the provisions of this Chapter are expressly applicable to the County. Terms, conditions and procedures applicable to Participating Entities shall be clarified through inter-jurisdictional agreements.

### **35.64.050 - Sending Sites**

**A. Sending site eligibility.** Properties that meet all the criteria listed below shall qualify as eligible sending sites:

1. Lots within the Naples Townsite that the Board prioritizes for transfer in compliance with goal number one of Subsection 35.64.010.C.
2. If lots have not received approval for rezoning from their current agricultural designation pursuant to Coastal Land Use Plan Policy 2-13, then only the development rights that correspond to the lot arrangement shown on the Official Map shall be transferred. If rezoning occurs as provided under Coastal Land Use Plan Policy 2-13, then the development rights associated with the rezoning and lot reconfigurations (if any such lot reconfigurations are concurrently approved) shall be subject to transfer.
3. All eligible Naples lots shall be ranked as to their priority for transfer by resolution of the Board. The rank shall determine the order by which the TDR Authority purchases transferable development rights from sending sites.

**B. Allocation of transferable development rights to sending sites.** Each eligible Naples lot shall be entitled to one transferable development rights. Each transferable development right shall represent the legal right to build a primary and secondary dwelling unit on a legal lot which can be voluntarily severed from the rights associated with the property's ownership at the initiation of the landowner. Sending site transferable development rights shall only be sold to the TDR Authority.

**C. Sending site application process.**

1. **Application.** Landowners of lots that meet the eligibility requirements under Subsection 35.64.040.A and desiring to sell their transferable development rights shall file with the Department an application containing two copies of a preliminary title report no older than six months concerning the lot.
2. **Notice of eligibility.** Following submittal of an application, the Department shall prepare a written notice to the applicant that confirms the lot(s) as those the Board has approved, the lots priority rank, and a statement of the number of transferable development rights that can be allocated to each approved Naples sending lot.

3. **Issuance of sending site certificate.** Following recordation of a conservation easement(s), a certificate allocating transferable development rights shall be issued to the owner(s) of the property by the Department. A transferable development rights certificate shall be issued for each transferable development rights assigned to a legal lot as determined by Subsection 35.64.030.B that has a recorded a conservation easement. The certificate shall include a full legal lot description and its respective priority ranking.
4. **Sending site transferable development rights.** Sending site transferable development rights shall only be available for purchase by the TDR Authority, in order of their respective prioritization, after a certificate allocating transferable development rights has been issued to the lot owner(s) by the Department.
5. **Record of conservation easement.** As a condition prerequisite to the TDR Authority's purchase of transferable development rights, evidenced by certificates issued pursuant to this section, a conservation easement shall be recorded as a deed restriction on the property's title (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) shall be reviewed and approved by County Counsel prior to its recordation or execution. The easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, the development right(s) from ownership of the property.

### **35.64.060 - Receiving Sites**

#### **A. Receiving site eligibility.**

1. **Unincorporated County sites.** Unincorporated properties that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits as defined in Section 35.64.030 (Definitions) of this Chapter must comply with all the following criteria:
  - a. The site must be located within the County's South Coast Housing Market Area as delineated in the County's Housing Element.
  - b. The site must be within a designated Urban area.
  - c. The developable footprint of the site must have less than 30 percent slope.
  - d. The developable footprint of the site must not be located in a designated flood or geologic hazard area
  - e. The developable footprint of the site must not be under agricultural production or contain any land rated as Class I or Class II in the Natural Resource Conservation Service land use capability classifications.
  - f. The developable footprint of the site must not be located in an environmentally sensitive habitat area.
  - g. The developable footprint of the site must not be located in a culturally or archaeologically sensitive area.
2. **Participating Entity sites.** Properties within the land use authority of a Participating Entity that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits, as defined in Section 35.64.030 (Definitions) of this Chapter, shall be determined by the Participating Entity in accordance with the terms and conditions of the inter-jurisdictional agreement.

#### **B. Receiving site application process/determination of density bonus.** The processing of applications for receiver site designation and award of density bonus shall be expedited to the

maximum extent feasible, The following procedure shall be used to approve receiving sites and identify the density bonuses obtainable on eligible receiving sites through transferable development credit purchases.

1. Landowners seeking designation of their properties as eligible receiving sites must file an application with the Department. The application must include the lot(s) Assessor's Parcel Number(s), current property ownership, preliminary title report not more than six months old, current zone designation and evidence supporting that the site meets the eligibility criteria.
2. The Department shall, within 30 days of the date an application is accepted as complete, notify the applicant if the site is an eligible receiving site based on the criteria of Subsection 35.64.050.A.
3. Sites that are determined to be eligible receiving sites shall require a pre-screen by the Commission, upon recommendation of the Director, to set: (a) the base density, and (b) the maximum allowable density obtainable on the site with transferable development credit purchases. The applicant must submit a preliminary draft conceptual plan and processing fee for the pre-screen analysis. The Director shall evaluate the application and report its findings to the Commission in the form of a recommendation as follows:
  - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required for Development Plans in compliance with Section 35.82.080 (Development Plans).
  - b. The base density shall represent the number of dwelling units allowed on the property under its existing zone designation;
  - c. The Director shall recommend an assignment of maximum density based upon neighborhood compatibility and existing surrounding land uses. This preliminary staff study shall serve as an initial assessment in an eventual environmental review in compliance with the California Environmental Quality Act to achieve final receiving site approval in compliance with Subsection B.4, below.
  - d. The Commission may accept, reject or modify the recommendation of the Director. The Commission's determination of maximum density is not vested "by right" to the property; rather, it shall only represent a maximum number of additional units not be exceeded with transferable development credit purchases. The actual additional transferable development credit density granted to the property shall be determined in compliance with Subsection B.4, below.
  - e. The action of the Commission to determine the maximum density is final subject to appeal in compliance with Chapter 35.102 (Appeals).
4. Following the determination of density in compliance with Subsection 35.64.060.B.3, the applicant may submit a development application seeking a density less than or equal to the maximum density determined in compliance with Subsection 35.64.060.B.3. The application shall encompass all permits required for the project as specified in this Development Code and shall include, at a minimum, a Development Plan that provides details on the physical attributes of the project and environmental data necessary to conduct an initial study evaluation.
  - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required in compliance with this Development Code. All permit applications associated with the proposed project, as well as the related environmental documents, shall be noticed and heard concurrently.

- b. If and when the development application is approved or conditionally approved, the Department will calculate the transferable development credit density bonus which shall reflect the number of transferable development credits available to the project based on the difference between the previously determined base density and the project density as approved by the County. The following criteria shall apply in calculating the transferable development credits density bonus:
    - (1) One transferable development credit shall equal one additional dwelling unit above base density;
    - (2) The vested transferable development credit density bonus shall be an option in addition to State density bonus law for receiving site applicants to achieve greater density. Where a receiving site applicant has requested a density bonus under both State housing law and this Transfer of Development Rights program, and such request exceeds the maximum allowable density obtainable on the site with transferable development credit purchases, State density bonus awards must be made before determining whether transferable development credits can be granted under this Transfer of Development Rights program.
  - c. Affordable units required under the Inclusionary Housing Policy of the County's Housing Element shall only apply to the base density of the receiving site that is determined in compliance with Subsection 35.64.050.B.3.b.
5. Within the 30 calendar days following the County's final action on the project, the Department shall issue to the receiving site applicant transferable development credit certificates for each of the additional dwelling units, obtainable through transferable development credit purchase, that are granted by the Commission. The issuance of transferable development credits by the County to projects that may be appealed to the Coastal Commission may also be appealed to the Coastal Commission. If the project and/or the issuance transferable development credits is appealed to the Coastal Commission, the County shall not issue the transferable development credit certificates until the Coastal Commission takes final action.
  6. The receiving site applicant shall be allowed to purchase, only from the TDR Authority, a commensurate number of transferable development credits that are granted by the Commission for each receiving site.
  7. The Department shall only grant authority to construct (e.g., Coastal Development Permit, Land Use Permit, or Zoning Clearance, and Building Permits) to a receiving site applicant for a project with additional units that have certificates possessing official TDR Authority approval as indicated in Subsection 35.64.090.E. The TDR Authority approval shall be evidence to in-whole payment(s) by the receiving site applicant for the transferable development credit(s).

### **35.64.070 - RESERVED**

### **35.64.080 - Amenity Funds**

The Transfer of Development Rights program shall require the TDR Authority, subject to agreement between the County and TDR Authority pursuant to Section 35.64.100.A, to allocate amenity funds, as defined in Section 35.64.030 (Definitions), as both an incentive and reward for accepting increased density in receiving site neighborhoods.

- A. Upon recommendation of the Planning Commission, amenity funds may only be allocated by the TDR Authority for infrastructure enhancements in neighborhoods with receiving sites built at greater densities than would normally be allowed under the zone designation. The designated use

of Amenity Funds, if any, shall: (i) be made in conjunction with the receiver site application process pursuant to Section 35.64.060.B.; (ii) not exceed a maximum allocation of 10 percent of the value of the transferable development credits that are approved for a particular project; (iii) only be used to fund projects benefiting the area where the receiver site is located; and (iv) shall be in addition to any developer impact fees and mitigation required in compliance with the California Environmental Quality Act.

- B.** The TDR Authority, upon the recommendation of the Planning Commission (or Participating Entity, as the case may be), shall allocate a maximum of 10 percent of the revenue received from the purchase of transferable development credits for a particular project into an enterprise fund managed by the TDR Authority (for receiver sites within unincorporated areas) or the Participating Entity (for receiver sites within incorporated municipal jurisdictions), the monies in which shall be expressly and solely pledged to plan, design, construct, install and administer infrastructure and park/recreational enhancements in receiving site neighborhoods.
- C.** For receiver sites outside of the land use jurisdiction of the County, Participating Entities shall establish their own process and procedures for receiving and allocating Amenity Funds subject to the terms and conditions set forth in the Inter-Jurisdictional Agreement pursuant to Section 35.64.100.

#### **35.64.090 - Transferable Development Rights Authority**

- A. Purpose.** The County shall create a TDR Authority. The purpose of the TDR Authority shall be to:
  - 1. Act as the sole intermediary between transferable development rights/transferable development credit sellers and buyers to facilitate the market between the often disparate values of sending site transferable development rights and receiving site transferable development credits;
  - 2. Manage a fund for continued land preservation with the Transfer of Development Rights program;
  - 3. Hold and/or transfer conservation easements to a third party trustee;
  - 4. Manage and allocate amenity funds;
  - 5. Maintain records of all commodity transactions; and
  - 6. Facilitate the drafting of inter-jurisdictional transferable development rights agreements between County and Participating Entities.
- B. Administration of the TDR Authority.** The County shall designate, by resolution of the Board, the entity which shall be empowered and authorized to serve as the TDR Authority. The entity designated by the County shall be a non-profit organization, among whose purpose it is to conserve open space and/or natural resources of the conservation easement, preferably with experience in administering TDR programs and conservation easements. The designation may be changed from time to time at the convenience of the Board and shall be formalized by written agreement between the County and the TDR Authority which stipulates the terms and conditions of participation, including, at a minimum, compliance with the provisions of this Chapter.
- C. Voluntary participation.** The purchase and selling price of transferable development rights and credits shall be mutually agreed-upon by the TDR Authority and the seller/buyer of such rights and credits. The valuation methodology shall be established under rules approved by the Board pursuant to Section 35.64.090.J., and neither the TDR Authority, nor the seller/buyer of the transferable development rights or credits shall be obligated to participate in transactions if one or both parties find the valuation inappropriate. For the specific purpose of transferable

development credits, the maximum price for each such credit shall be calculated as a percentage of land value, sufficiently discounted to induce participation, and shall be established in connection in Section 35.64.090.J.

- D. Conservation easements.** As part of each transaction involving the purchase of development rights, the TDR Authority shall record a conservation easement on the title of the sending site property (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, all rights to develop or use the property except for open space, grazing and agricultural crop production. The TDR Authority shall hold, or transfer to a third party trustee (the "Trustee") the conservation easement from said property (or equivalent legally enforceable mechanism). The Trustee shall be designated by the Board and shall be a conservation organization, among whose purposes it is to conserve open space and/or natural resources of the conservation easement.
- E. Sender site priorities.** The TDR Authority shall obtain transferable development rights from sending sites in order of priority as set forth by resolution of the Board in Subsection 35.64.050.A.3. In so doing, the TDR Authority shall be required to purchase transferable development rights from lots with higher priority ranking before purchasing transferable development rights from lots with lower priority ranking. As an example, and by way of illustrative purposes only, if the preservation of bluff lots is selected by the Board as the top priority and the overall estimated development right value of such lots is \$115 million, the purchase of development rights shall be restricted to bluff lots until the amount of funds on deposit with the TDR Authority exceed this threshold. Once funds exceed the amount of \$115 million, development rights can be purchased from the next highest priority category. In the event no secondary priority is selected, any lot at Naples would be eligible.
- F. Transferable development credit seller authorization.** The TDR Authority can be designated as the sole seller of transferable development credits and shall be allowed to sell transferable development credits to applicants of approved receiving sites as determined in Section 35.64.060 (Receiving Sites) or other interested parties.
- G. TDR Authority expenditures of funds.** The TDR Authority shall only use the revenue collected from the sales of transferable development credits in the following ways:
1. Purchase transferable development rights from Naples sending sites.
  2. Allocation of amenity funds.
  3. Cover administrative and overhead costs.
  4. Repay investment contract obligations made with the TDR Authority.
  5. Purposes explicitly agreed to by any contract between the County and the TDR Authority.
- H. TDR Authority management of investment funds.** The TDR Authority Board, in addition to buying transferable development rights and selling transferable development credits, may seek to attract private capital and public loans or grants to capitalize the TDR Authority's revolving fund for continued land preservation.
- I. Facilitate inter-jurisdictional agreements.** The TDR Authority shall serve to facilitate and negotiate with Participating Entities the terms and conditions of any inter-jurisdictional agreement involving the transfer of transferable development rights and/or transferable development credits. The TDR Authority Board shall, prior to finalization of an inter-jurisdictional agreement, seek Board approval of the conditions put forth.
- J. Adoption of rules.** The TDR Authority Board shall adopt bylaws or operating guidelines that include rules for the transaction of business and shall keep a public record of its resolutions,

transactions and investments. The bylaws and rules adopted by the TDR Authority Board shall be subject to review and approval by the Board of Supervisors.

### **35.64.100 - Inter-Jurisdictional Agreements**

- A. Purpose.** The County and any jurisdictions that voluntarily participate in the County's Transfer of Development Rights program shall enter into an inter-jurisdictional agreement. The purpose of such an agreement shall be to ensure that each jurisdiction can condition development right transfers such that both parties mutually benefit.
- B. Key components.** A binding inter-jurisdictional agreement between the County and Participating Entity shall address at minimum the following components:
1. Specific sending sites mutually-agreed upon by the County and the Participating Entity from which to transfer development rights.
  2. The ways by which the Participating Entity interfaces with the TDR Authority; at minimum these shall include:
    - a. The terms by which the Participating Entity and the TDR Authority negotiate to determine the transferable development rights purchase price.
    - b. The terms by which the Participating Entity agrees to transfer funds to the TDR Authority.
    - c. The terms by which the Participating Entity uses the TDR Authority, if at all, to sell density credits in its jurisdiction.
  3. The process by which the TDR Authority pays receiving site amenity funds, if any, to the Participating Entity; this shall address at minimum:
    - a. The amount of money the County is to pay the Participating Entity.
    - b. The purposes for which the money will be used and how it will be expended.
    - c. The timeframe for the Participating Entity to exercise the County's funds.
  4. Notification process for the Participating Entity and County to inform each other.
  5. The effective date and duration of the agreement.
  6. The conditions that would terminate the agreement.
  7. The situations that constitute Participating Entity and/or County negligence.

### **35.64.110 – General Limitations**

- A. Functional Separation.** The TDR Authority's designation and appointment Section 35.64.090 shall be subject to and contingent upon the TDR Authority's acceptance of the provisions of Section 35.64.090 and other such terms as the parties may agree to including, but not limited to, liability and indemnification.
- B. Applicable Law.** Nothing in this chapter shall abrogate, limit, expand or otherwise affect any powers, rights, or duties granted to, or imposed on, the board of supervisors by division 3 of title 3 of the Government Code or any other applicable law.
- C. Severability.** If any section, subsection, clause or provision of this chapter is held invalid, the remainder of this chapter shall not be affected by such invalidity.

### SECTION 2:

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 \_\_\_\_\_, 2008, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
SALUD CARBAJAL  
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:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



**Exhibit F**  
**Ordinance No. 4687**  
**Montecito Land Use and Development Code**



ORDINANCE NO. 4687

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 35.5 (RESOURCE MANAGEMENT), TO ADD A NEW CHAPTER 35.454 (TRANSFER OF DEVELOPMENT RIGHTS) TO IMPLEMENT A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM IN SANTA BARBARA COUNTY.

Case Nos. 08ORD-00000-00015

The Board of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

DIVISION 35.5, Resource Management, of Section 35-2, the Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Chapter 35.454, Transfer of Development Rights, to read as follows:

**Chapter 35.454 - Transfer of Development Rights**

**Sections:**

- 35.454.010 - Program Purpose and Intent, Description and Goals
- 35.454.020 - Applicability
- 35.454.030 - Definitions
- 35.454.040 - Program Administration
- 35.454.050 - Sending Sites
- 35.454.060 - Receiving Sites
- 35.454.070 - Reserved
- 35.454.080 - Amenity Funds
- 35.454.090 - Transfer of Development Rights Authority
- 35.454.100 - Inter Jurisdictional Agreements
- 35.454.110 - General Limitations

**35.454.010 - Program Purpose and Intent, Description and Goals**

**A. Purpose and intent.**

The provisions of this Chapter implement the Transfer of Development Rights program. The intent of this program is to transfer development potential from eligible Naples lots to eligible receiving sites along the South Coast of Santa Barbara County in furtherance of Coastal Land Use Plan Policy 2-13. The overriding purpose is to extinguish the rights to develop Naples lots determined to have the greatest public benefit by the Board.

**B. Description.**

1. The Transfer of Development Rights program is a market-driven program involving willing sellers and willing buyers. Landowners are not obligated to use the program but may participate voluntarily. The Transfer of Development Rights program allows eligible sending site (lots targeted for preservation) landowners to sever the development right(s), as defined in this Chapter, from rights associated with land ownership. Sending site landowners that choose to participate in the program are compensated at fair market value for the lost development potential through market sales of those development rights. Once the development rights are sold, the land is protected from future development in perpetuity through conservation easements. Sending site landowners are incentivized to participate since they can forego the lengthy and often costly development approval and building

process yet receive payments commensurate with the realized profits of their property built to its highest and best use.

2. Eligible receiving sites (lots to accommodate development) in the unincorporated areas of the County may be developed at higher densities than otherwise allowed under current zoning with requisite purchases of “density credits.” So called receiving site developers are incentivized to participate since they are able to realize greater profits through enhanced entitlements.
3. Participating Entities that adopt plans and ordinances to allow for increased density on receiving sites may opt to participate in the County’s Transfer of Development Rights program through legally binding inter-jurisdictional agreements.

### **C. Goals.**

1. The primary goal of the Transfer of Development Rights program shall be to transfer the maximum number of development rights from Naples lots that serve one or a combination of the following objectives onto properties more suitable for development that lie within Urban areas designated on the Comprehensive Plan maps that are located within the South Coast and provide for the:
  - a. Preservation of Naples lots most visible from Highway 101.
  - b. Preservation of Naples lots located within the Coastal Zone.
  - c. Preservation of Naples lots located on or adjacent to a coastal bluff.
  - d. Preservation of Naples lots located on prime agricultural land.
  - e. Preservation of Naples lots within or near environmentally sensitive habitat areas.
  - f. Preservation of Naples lots within or near culturally or archaeologically sensitive areas.
  - g. Preservation of Naples lots for other conservation purposes as the Board may direct, upon a recommendation of the Montecito Commission.
2. The preservation objectives appearing in Section 35.454.010 C.1. are listed without regard to order of priority. For funds derived from the purchase of transferable development credits, the Board, upon a recommendation from the Montecito Commission, shall designate and prioritize transfers by Resolution at such intervals as it may so determine is appropriate in relation to funds available to effectuate transfers. For all other funds deposited with the TDR Authority pursuant to Section 35.454.090, priorities may be designated by the contributor (e.g., Participating Entity, private donor, etc.); if priorities are not so established by the contributor, the priorities established by Board Resolution shall apply.

### **35.454.020 - Applicability**

The provisions of this Chapter shall apply to eligible Naples Townsite sender lots and designated receiving sites along the South Coast of Santa Barbara County.

### **35.454.030 - Definitions**

The Section provides definitions of terms and phrases used in this Chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section conflict with definitions in other sections of this Development Code or other provisions of the County Code, these definitions shall control for the purposes of this Chapter.

**Amenity funds.** A percent of the revenue collected from TDR Authority sales of Transferable

Development Credits that are set aside to fund infrastructure and park/recreational enhancements in receiving site neighborhoods as both an incentive and reward for accepting increased density.

**Base density.** The number dwelling units allowed on the receiving site under the property's current zoning.

**Conservation easement.** A legal deed restriction recorded on the title to the property that severs in perpetuity the right to develop dwelling unit(s), commercial, and/or industrial facilities on said property.

**Development right.** One of the rights associated with land ownership that entitles a landowner to develop his property in compliance with the local government Comprehensive Plan and zoning regulations. For purposes of this Chapter, a development right is limited to principal permitted uses (i.e., uses that do not require the approval of a Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits and Minor Conditional Use Permits) that entail physical alteration of real property including residential, commercial and industrial uses; however open space, grazing and agricultural crop production are expressly excluded.

**Grid lots.** Legal lots recognized under the Official Map.

**Inter-jurisdictional agreement:** A legal agreement to transfer development potential between the County and a Participating Entity. The agreement articulates the conditions tied to the transfer of development rights to ensure that both jurisdictions mutually benefit.

**Naples lots.** One or a combination of: (a) grid lots; or (b) reconfigured lots resulting from lawful mergers, line adjustments and re-divisions approved by the County in connection with rezoning of all or part of the Naples Townsite pursuant to Coastal Land Use Plan Policy 2-13.

**Naples Townsite.** The area encompassed by the Official Map.

**Neighborhood Enhancement Projects.** Infrastructure and park/recreational enhancements constructed in receiving site neighborhoods as an incentive or concession to approving receiver sites which are in addition to any developer impact fees or mitigation otherwise required in compliance with the California Environmental Quality Act..

**Official Map.** The Official Map of Naples approved by the Board on October 3, 1995, and filed for the record on December 19, 1995, in Book 99, at Pages 4 through 9 of Maps.

**Participating Entity.** A governmental organization having land use authority within Santa Barbara County (e.g., incorporated Cities, University of California, California Division of Fairs and Expositions, United States Government, etc.) that has entered into an inter-jurisdictional agreement to participate in the Transfer of Development Rights program.

**Pre-screen.** A preliminary application and non-binding advisory determination of the appropriate density for a potential receiver site.

**Receiving site.** Legal lot(s) the County (or Participating Entity) has determined to be appropriate for increased development density with the purchase of transferable development credits.

**Rural and Urban areas.** Rural and Urban areas as designated on the Comprehensive Plan maps.

**Sending site.** Legal lots identified by the County pursuant to Section 35.454.050 (Sending Sites), the underlying development rights to which, at the landowner's discretion, may be severed and sold to the TDR Authority.

**South Coast.** The unincorporated area located east of Highway 101 at Gaviota, south of the ridge of the Santa Ynez Mountains, and west of the Ventura County line.

**TDR Authority.** The Transferable Development Rights Authority established pursuant to Section

35.454.090, which may be a governmental agency, or a non-governmental agency such as a local land trust or national conservation organization, established and given authority by the County to buy transferable development rights and sell transferable development credits.

**Transferable Development Credit.** A certificate which grants one additional dwelling unit above base density, on specified receiving sites, that can only be purchased from the TDR Authority.

**Transferable Development Credit Density Bonus.** The number of additional units above base density that can be built in association with a County approved receiving site project with the purchase of transferable development credits.

**Transferable Development Rights.** Development rights, as defined in this Chapter, from sending sites that can voluntarily severed from the associated with the property's ownership at the initiation of the landowner and sold to the TDR Authority.

### **35.454.040 - Program Administration**

The Department and Director shall have principal responsibility for administration of Transfer of Development Rights under the provisions of this Chapter. Except or unless otherwise noted, the provisions of this Chapter are expressly applicable to the County. Terms, conditions and procedures applicable to Participating Entities shall be clarified through inter-jurisdictional agreements.

### **35.454.050 - Sending Sites**

**A. Sending site eligibility.** Properties that meet all the criteria listed below shall qualify as eligible sending sites:

4. Lots within the Naples Townsite that the Board prioritizes for transfer in compliance with goal number one of Subsection 35.454.010.C.
5. If lots have not received approval for rezoning from their current agricultural designation pursuant to Coastal Land Use Plan Policy 2-13, then only the development rights that correspond to the lot arrangement shown on the Official Map shall be transferred. If rezoning occurs as provided under Coastal Land Use Plan Policy 2-13, then the development rights associated with the rezoning and lot reconfigurations (if any such lot reconfigurations are concurrently approved) shall be subject to transfer.
6. All eligible Naples lots shall be ranked as to their priority for transfer by resolution of the Board. The rank shall determine the order by which the TDR Authority purchases transferable development rights from sending sites.

**B. Allocation of transferable development rights to sending sites.** Each eligible Naples lot shall be entitled to one transferable development rights. Each transferable development right shall represent the legal right to build a primary and secondary dwelling unit on a legal lot which can be voluntarily severed from the rights associated with the property's ownership at the initiation of the landowner. Sending site transferable development rights shall only be sold to the TDR Authority.

**C. Sending site application process.**

4. **Application.** Landowners of lots that meet the eligibility requirements under Subsection 35.454.040.A and desiring to sell their transferable development rights shall file with the Department an application containing two copies of a preliminary title report no older than six months concerning the lot.
5. **Notice of eligibility.** Following submittal of an application, the Department shall prepare a written notice to the applicant that confirms the lot(s) as those the Board has approved, the lots priority rank, and a statement of the number of transferable development rights that can



be allocated to each approved Naples sending lot.

6. **Issuance of sending site certificate.** Following recordation of a conservation easement(s), a certificate allocating transferable development rights shall be issued to the owner(s) of the property by the Department. A transferable development rights certificate shall be issued for each transferable development rights assigned to a legal lot as determined by Subsection 35.454.030.B that has a recorded a conservation easement. The certificate shall include a full legal lot description and its respective priority ranking.
4. **Sending site transferable development rights.** Sending site transferable development rights shall only be available for purchase by the TDR Authority, in order of their respective prioritization, after a certificate allocating transferable development rights has been issued to the lot owner(s) by the Department.
5. **Record of conservation easement.** As a condition prerequisite to the TDR Authority's purchase of transferable development rights, evidenced by certificates issued pursuant to this section, a conservation easement shall be recorded as a deed restriction on the property's title (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) shall be reviewed and approved by County Counsel prior to its recordation or execution. The easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, the development right(s) from ownership of the property.

### **35.454.060 - Receiving Sites**

#### **A. Receiving site eligibility.**

1. **Unincorporated County sites.** Unincorporated properties that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits as defined in Section 35.454.030 (Definitions) of this Chapter must comply with all the following criteria:
  - a. The site must be located within the County's South Coast Housing Market Area as delineated in the County's Housing Element.
  - b. The site must be within an Urban area as designated on the Comprehensive Plan maps.
  - c. The developable footprint of the site must have less than 30 percent slope.
  - d. The developable footprint of the site must not be located in a designated flood or geologic hazard area
  - e. The developable footprint of the site must not be under agricultural production or contain any land rated as Class I or Class II in the Natural Resource Conservation Service land use capability classifications.
  - f. The developable footprint of the site must not be located in an environmentally sensitive habitat area.
  - g. The developable footprint of the site must not be located in a culturally or archaeologically sensitive area.
2. **Participating Entity sites.** Properties within the land use authority of a Participating Entity that qualify as eligible receiving sites to exceed base zoning density through the purchase of transferable development credits, as defined in Section 35.454.030 (Definitions) of this Chapter, shall be determined by the Participating Entity in accordance with the terms and conditions of the inter-jurisdictional agreement.

**B. Receiving site application process/determination of density bonus.** The processing of applications for receiver site designation and award of density bonus shall be expedited to the maximum extent feasible. The following procedure shall be used to approve receiving sites and identify the density bonuses obtainable on eligible receiving sites through transferable development credit purchases.

1. Landowners seeking designation of their properties as eligible receiving sites must file an application with the Department. The application must include the lot(s) Assessor's Parcel Number(s), current property ownership, preliminary title report not more than six months old, current zone designation and evidence supporting that the site meets the eligibility criteria.
2. The Department shall, within 30 days of the date an application is accepted as complete, notify the applicant if the site is an eligible receiving site based on the criteria of Subsection 35.454.050.A.
3. Sites that are determined to be eligible receiving sites shall require a pre-screen by the Commission, upon recommendation of the Director, to set: (a) the base density, and (b) the maximum allowable density obtainable on the site with transferable development credit purchases. The applicant must submit a preliminary draft conceptual plan and processing fee for the pre-screen analysis. The Director shall evaluate the application and report its findings to the Commission in the form of a recommendation as follows:
  - a. The matter shall be considered by the Commission at a noticed, public hearing with notice provided in the time and manner required for Development Plans in compliance with Section 35.472.080 (Development Plans).
  - b. The base density shall represent the number of dwelling units allowed on the property under its existing zone designation;
  - c. The Director shall recommend an assignment of maximum density based upon neighborhood compatibility and existing surrounding land uses. This preliminary staff study shall serve as an initial assessment in an eventual environmental review in compliance with the California Environmental Quality Act to achieve final receiving site approval in compliance with Subsection B.4, below.
  - d. The Commission may accept, reject or modify the recommendation of the Director. The Commission's determination of maximum density is not vested "by right" to the property; rather, it shall only represent a maximum number of additional units not be exceeded with transferable development credit purchases. The actual additional transferable development credit density granted to the property shall be determined in compliance with Subsection B.4, below.
  - e. The action of the Commission to determine the maximum density is final subject to appeal in compliance with Chapter 35.492 (Appeals).
4. Following the determination of density in compliance with Subsection 35.454.060.B.3, the applicant may submit a development application seeking a density less than or equal to the maximum density determined in compliance with Subsection 35.454.060.B.3. The application shall encompass all permits required for the project as specified in this Development Code and shall include, at a minimum, a Development Plan that provides details on the physical attributes of the project and environmental data necessary to conduct an initial study evaluation.
  - a. The matter shall be considered by the Montecito Commission at a noticed, public hearing with notice provided in the time and manner required in compliance with this

Development Code. All permit applications associated with the proposed project, as well as the related environmental documents, shall be noticed and heard concurrently.

- b. If and when the development application is approved or conditionally approved, the Department will calculate the transferable development credit density bonus which shall reflect the number of transferable development credits available to the project based on the difference between the previously determined base density and the project density as approved by the County. The following criteria shall apply in calculating the transferable development credits density bonus:
    - (1) One transferable development credit shall equal one additional dwelling unit above base density;
    - (2) The vested transferable development credit density bonus shall be an option in addition to State density bonus law for receiving site applicants to achieve greater density. Where a receiving site applicant has requested a density bonus under both State housing law and this Transfer of Development Rights program, and such request exceeds the maximum allowable density obtainable on the site with transferable development credit purchases, State density bonus awards must be made before determining whether transferable development credits can be granted under this Transfer of Development Rights program.
  - c. Affordable units required under the Inclusionary Housing Policy of the County's Housing Element shall only apply to the base density of the receiving site that is determined in compliance with Subsection 35.454.050.B.3.b.
5. Within the 30 calendar days following the County's final action on the project, the Department shall issue to the receiving site applicant transferable development credit certificates for each of the additional dwelling units, obtainable through transferable development credit purchase, that are granted by the Commission. The issuance of transferable development credits by the County to projects that may be appealed to the Coastal Commission may also be appealed to the Coastal Commission. If the project and/or the issuance transferable development credits is appealed to the Coastal Commission, the County shall not issue the transferable development credit certificates until the Coastal Commission takes final action.
  6. The receiving site applicant shall be allowed to purchase, only from the TDR Authority, a commensurate number of transferable development credits that are granted by the Commission for each receiving site.
  7. The Department shall only grant authority to construct (e.g., Coastal Development Permit, Land Use Permit, or Zoning Clearance, and Building Permits) to a receiving site applicant for a project with additional units that have certificates possessing official TDR Authority approval as indicated in Subsection 35.454.090.E. The TDR Authority approval shall be evidence to in-whole payment(s) by the receiving site applicant for the transferable development credit(s).

### **35.454.070 - RESERVED**

### **35.454.080 - Amenity Funds**

The Transfer of Development Rights program shall require the TDR Authority, subject to agreement between the County and TDR Authority pursuant to Section 35.454.100.A, to allocate amenity funds, as defined in Section 35.454.030 (Definitions), as both an incentive and reward for accepting increased density in receiving site neighborhoods.

- A. Upon recommendation of the Montecito Commission, amenity funds may only be allocated by the TDR Authority for infrastructure enhancements in neighborhoods with receiving sites built at greater densities than would normally be allowed under the zone designation. The designated use of Amenity Funds, if any, shall: (i) be made in conjunction with the receiver site application process pursuant to Section 35.454.060.B.; (ii) not exceed a maximum allocation of 10 percent of the value of the transferable development credits that are approved for a particular project; (iii) only be used to fund projects benefiting the area where the receiver site is located; and (iv) shall be in addition to any developer impact fees and mitigation required in compliance with the California Environmental Quality Act.
- B. The TDR Authority, upon the recommendation of the Montecito Commission (or Participating Entity, as the case may be), shall allocate a maximum of 10 percent of the revenue received from the purchase of transferable development credits for a particular project into an enterprise fund managed by the TDR Authority (for receiver sites within unincorporated areas) or the Participating Entity (for receiver sites within incorporated municipal jurisdictions), the monies in which shall be expressly and solely pledged to plan, design, construct, install and administer infrastructure and park/recreational enhancements in receiving site neighborhoods.
- C. For receiver sites outside of the land use jurisdiction of the County, Participating Entities shall establish their own process and procedures for receiving and allocating Amenity Funds subject to the terms and conditions set forth in the Inter-Jurisdictional Agreement pursuant to Section 35.454.100.

### **35.454.090 - Transferable Development Rights Authority**

- A. **Purpose.** The County shall create a TDR Authority. The purpose of the TDR Authority shall be to:
  - 1. Act as the sole intermediary between transferable development rights/transferable development credit sellers and buyers to facilitate the market between the often disparate values of sending site transferable development rights and receiving site transferable development credits;
  - 2. Manage a fund for continued land preservation with the Transfer of Development Rights program;
  - 3. Hold and/or transfer conservation easements to a third party trustee;
  - 4. Manage and allocate amenity funds;
  - 5. Maintain records of all commodity transactions; and
  - 6. Facilitate the drafting of inter-jurisdictional transferable development rights agreements between County and Participating Entities.
- B. **Administration of the TDR Authority.** The County shall designate, by resolution of the Board, the entity which shall be empowered and authorized to serve as the TDR Authority. The entity designated by the County shall be a non-profit organization, among whose purpose it is to conserve open space and/or natural resources of the conservation easement, preferably with experience in administrating TDR programs and conservation easements. The designation may be changed from time to time at the convenience of the Board and shall be formalized by written agreement between the County and the TDR Authority which stipulates the terms and conditions of participation, including, at a minimum, compliance with the provisions of this Chapter.
- C. **Voluntary participation.** The purchase and selling price of transferable development rights and credits shall be mutually agreed-upon by the TDR Authority and the seller/buyer of such rights and credits. The valuation methodology shall be established under rules approved by the Board

pursuant to Section 35.454.090.J., and neither the TDR Authority, nor the seller/buyer of the transferable development rights or credits shall be obligated to participate in transactions if one or both parties find the valuation inappropriate. For the specific purpose of transferable development credits, the maximum price for each such credit shall be calculated as a percentage of land value, sufficiently discounted to induce participation, and shall be established in connection with Section 35.454.090.J.

- D. Conservation easements.** As part of each transaction involving the purchase of development rights, the TDR Authority shall record a conservation easement on the title of the sending site property (or equivalent legally enforceable mechanism). The conservation easement (or equivalent legally enforceable mechanism) must sever, in perpetuity, all rights to develop or use the property except for open space, grazing and agricultural crop production. The TDR Authority shall hold, or transfer to a third party trustee (the "Trustee") the conservation easement from said property (or equivalent legally enforceable mechanism). The Trustee shall be designated by the Board and shall be a conservation organization, among whose purposes it is to conserve open space and/or natural resources of the conservation easement.
- E. Sender site priorities.** The TDR Authority shall obtain transferable development rights from sending sites in order of priority as set forth by resolution of the Board in Subsection 35.454.050.A.3. In so doing, the TDR Authority shall be required to purchase transferable development rights from lots with higher priority ranking before purchasing transferable development rights from lots with lower priority ranking. As an example, and by way of illustrative purposes only, if the preservation of bluff lots is selected by the Board as the top priority and the overall estimated development right value of such lots is \$115 million, the purchase of development rights shall be restricted to bluff lots until the amount of funds on deposit with the TDR Authority exceed this threshold. Once funds exceed the amount of \$115 million, development rights can be purchased from the next highest priority category. In the event no secondary priority is selected, any lot at Naples would be eligible.
- F. Transferable development credit seller authorization.** The TDR Authority can be designated as the sole seller of transferable development credits and shall be allowed to sell transferable development credits to applicants of approved receiving sites as determined in Section 35.454.060 (Receiving Sites) or other interested parties.
- G. TDR Authority expenditures of funds.** The TDR Authority shall only use the revenue collected from the sales of transferable development credits in the following ways:
1. Purchase transferable development rights from Naples sending sites.
  2. Allocation of amenity funds.
  3. Cover administrative and overhead costs.
  4. Repay investment contract obligations made with the TDR Authority.
  5. Purposes explicitly agreed to by any contract between the County and the TDR Authority.
- H. TDR Authority management of investment funds.** The TDR Authority Board, in addition to buying transferable development rights and selling transferable development credits, may seek to attract private capital and public loans or grants to capitalize the TDR Authority's revolving fund for continued land preservation.
- I. Facilitate inter-jurisdictional agreements.** The TDR Authority shall serve to facilitate and negotiate with Participating Entities the terms and conditions of any inter-jurisdictional agreement involving the transfer of transferable development rights and/or transferable development credits. The TDR Authority Board shall, prior to finalization of an inter-

jurisdictional agreement, seek Board approval of the conditions put forth.

- J. Adoption of rules.** The TDR Authority Board shall adopt bylaws or operating guidelines that include rules for the transaction of business and shall keep a public record of its resolutions, transactions and investments. The bylaws and rules adopted by the TDR Authority Board shall be subject to review and approval by the Board of Supervisors.

### **35.454.100 - Inter-Jurisdictional Agreements**

- A. Purpose.** The County and any jurisdictions that voluntarily participate in the County's Transfer of Development Rights program shall enter into an inter-jurisdictional agreement. The purpose of such an agreement shall be to ensure that each jurisdiction can condition development right transfers such that both parties mutually benefit.
- B. Key components.** A binding inter-jurisdictional agreement between the County and Participating Entity shall address at minimum the following components:
1. Specific sending sites mutually-agreed upon by the County and the Participating Entity from which to transfer development rights.
  2. The ways by which the Participating Entity interfaces with the TDR Authority; at minimum these shall include:
    - a. The terms by which the Participating Entity and the TDR Authority negotiate to determine the transferable development rights purchase price.
    - b. The terms by which the Participating Entity agrees to transfer funds to the TDR Authority.
    - c. The terms by which the Participating Entity uses the TDR Authority, if at all, to sell density credits in its jurisdiction.
  3. The process by which the TDR Authority pays receiving site amenity funds, if any, to the Participating Entity; this shall address at minimum:
    - a. The amount of money the County is to pay the Participating Entity.
    - b. The purposes for which the money will be used and how it will be expended.
    - c. The timeframe for the Participating Entity to exercise the County's funds.
  4. Notification process for the Participating Entity and County to inform each other.
  5. The effective date and duration of the agreement.
  6. The conditions that would terminate the agreement.
  7. The situations that constitute Participating Entity and/or County negligence.

### **35.454.110 – General Limitations**

- A. Functional Separation.** The TDR Authority's designation and appointment Section 35.454.090 shall be subject to and contingent upon the TDR Authority's acceptance of the provisions of Section 35.454.090 and other such terms as the parties may agree to including, but not limited to, liability and indemnification.
- B. Applicable Law.** Nothing in this chapter shall abrogate, limit, expand or otherwise affect any powers, rights, or duties granted to, or imposed on, the Board by Division 3 of Title 3 of the Government Code or any other applicable law.
- C. Severability.** If any section, subsection, clause or provision of this Chapter is held invalid, the remainder of this Chapter shall not be affected by such invalidity.

SECTION 2:

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 \_\_\_\_\_, 2008, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
SALUD CARBAJAL  
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:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel





**Exhibit G**  
**Ordinance No. 4692**  
**County Land Use and Development Code**



**BOARD ZONING ORDINANCE AMENDMENT**

FINAL ADOPTED  
SANTA BARBARA COUNTY

**SANTA BARBARA RANCH PROJECT**

ORDINANCE NO. 4692

AN ORDINANCE AMENDING CHAPTER 35 OF THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, ZONING, BY AMENDING CHAPTER 35.14, ZONING MAP AND ZONES, CHAPTER 35.26, SPECIAL PURPOSE ZONES, CHAPTER 35.30, STANDARDS FOR ALL DEVELOPMENT AND LAND USES, CHAPTER 35.34, LANDSCAPING STANDARDS, CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, AND CHAPTER 35.104, AMENDMENTS.

Case No. 08ORD-00000-00009

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

**SECTION 1:**

ARTICLE 35.1, Development Code Applicability, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend of Section 35.14.020, Zoning Map and Zones, of Chapter 35.14, Zoning Map, to add the following in the Special Purpose Zone section of Table 1-1:

**Table 1-1 - Zones**

<b>Zone Symbol</b>	<b>Name of Zone</b>	<b>Applicable Code Chapter</b>
<b>Special Purpose Zones</b>		
MU	Mixed Use	35.26
<u>NTS</u>	<u>Naples Townsite</u>	
OT-R	Old Town-Residential (1)	
OT-R/LC	Old Town - Residential/Light Commercial	
OT-R/GC	Old Town - Residential/General Commercial	
PU	Public Works Utilities and Private Services Facility	
REC	Recreation	
TC	Transportation Corridor	

(1) Although the OT-R (Old Town-Residential) zone is included within the Special Purpose Zones table, it is still considered a residential zone as this term is applied within this Development Code

## 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 amended to amend Section 35.26.020, Purposes of the Special Purpose Zones, of Chapter 35.26, Special Purpose Zones, to add a new Subsection B, NTS (Naples Townsite) zone, to read as follows and to re-letter existing Subsection B. through Subsection E. as Subsection C. through Subsection F.

- B. NTS (Naples Townsite) zone.** The NTS zone is established due to unique circumstances particular to the Naples Townsite and is applied to the Naples Townsite in recognition of the Official Map of Naples (hereinafter the "Official Map") adopted by the County on October 2, 1995, and the direction of Coastal Land Use Plan Policy 2-13 for land use at the Naples Townsite. This zone is intended to achieve a balance that provides for low density residential units, public access and recreation opportunities, preservation of the scenic and rural character of the Naples area, and conservation of open space and biological resources, compatible with the surrounding agricultural uses of the Gaviota Coast.

## 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 amended to amend Section 35.26.030, Special Purpose Zones Land Uses and Permit Requirements, of Chapter 35.26, Special Purpose Zones, to amend Subsection 35.26.030.C.1, MU, PU, and REC zones, of Subsection 35.26.030.C., Development Plan Approval Required, to read as follows:

- 1. MU, NTS, PU, and REC zones.** Within the MU, NTS, PU, and REC zones, Final Development Plan approval is required prior to any development, including grading.

## 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 amended to amend Section 35.26.030, Special Purpose Zones Land Uses and Permit Requirements, of Chapter 35.26, Special Purpose Zones, to add a new Subsection D.3 to Subsection 35.26.030.D., Accessory Structures, to read as follows:

- 3. Within the NTS zone, accessory uses and structures shall be limited to those required to support the principal permitted use and do not involve a commercial enterprise on the site.**

## 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 amended to amend Section 35.26.030, Special Purpose Zones Land Uses and Permit Requirements, of Chapter 35.26, Special Purpose Zones, to amend Table 2-22, Allowed Land Uses and Permit Requirements for Special Purpose Zones, to add NTS and NTS CZ as additional

columns and within the Key to Zone Symbols, along with applicable Notes, as follows:

<b>Table 2-22</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>NTS</b>	<b>NTS CZ</b>				

**AGRICULTURAL, MINING & ENERGY FACILITIES**

Agricultural accessory structure	<u>P (3)</u>	<u>P (3)</u>				35.42.020
Agricultural processing - On-premise products	<u>P (3)</u>	<u>P (3)</u>				
Animal keeping (except equestrian facilities- see RECREATION)	<u>S (3)</u>	<u>S (3)</u>				35.42.060
Aquaculture	<u>—</u>	<u>—</u>				
Cultivated agriculture, orchard, vineyard	<u>P (3)</u>	<u>P (3)</u>				
Grazing	<u>E</u>	<u>E</u>				
Greenhouse, 300 sf or less	<u>—</u>	<u>—</u>				35.42.140
Greenhouse, more than 300 sf	<u>—</u>	<u>—</u>				35.42.140
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	<u>—</u>	<u>—</u>				35.82.160
Mining - Surface, less than 1,000 cubic yards	<u>—</u>	<u>—</u>				35.82.160
Mining - Surface, 1,000 cubic yards or more	<u>—</u>	<u>—</u>				35.82.160
Oil & gas uses	<u>—</u>	<u>—</u>				35.5

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Bakery and baked goods production and distribution	<u>—</u>	<u>—</u>				
Business machine manufacturing and assembly	<u>—</u>	<u>—</u>				
Ceramic product manufacturing	<u>—</u>	<u>—</u>				
Cosmetic and pharmaceutical manufacturing	<u>—</u>	<u>—</u>				
Electronics assembly	<u>—</u>	<u>—</u>				
Electronics, equipment, and appliance manufacturing	<u>—</u>	<u>—</u>				
Food and beverage product manufacturing	<u>—</u>	<u>—</u>				
Furniture/fixtures manufacturing, cabinet shops	<u>—</u>	<u>—</u>				
Handcraft industry, small scale manufacturing	<u>—</u>	<u>—</u>				
Laboratory - Medical, analytical, research and development	<u>—</u>	<u>—</u>				
Media production	<u>—</u>	<u>—</u>				
Merchandise manufacturing	<u>—</u>	<u>—</u>				
Precision machine shop	<u>—</u>	<u>—</u>				
Printing and publishing	<u>—</u>	<u>—</u>				
Recycling - Community recycling facility	<u>—</u>	<u>—</u>				
Recycling - Small collection center	<u>—</u>	<u>—</u>				
Recycling - Small collection center, non-profit	<u>—</u>	<u>—</u>				
Recycling - Specialized materials collection center	<u>—</u>	<u>—</u>				
Research and development	<u>—</u>	<u>—</u>				
Storage - Warehouse	<u>—</u>	<u>—</u>				
Wholesaling and distribution	<u>—</u>	<u>—</u>				

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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**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) Shall not be allowed within easement areas designated as part of an Open Space and Habitat Management Plan in compliance with Section 35.26.060.

<b>Table 2-22 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	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					
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>						<b>Specific Use Regulations</b>
	<u>NTS</u>	<u>NTS CZ</u>					

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

Boat club	==	==					
Campground	==	==					
Commercial entertainment - Indoor	==	==					
Community center	==	==					
Conference center	==	==					
Country club, swimming and tennis	==	==					
Equestrian facility - Public or commercial	<u>MCUP (3)</u>	<u>MCUP (3)</u>					
Fairgrounds	==	==					
Fitness/health club or facility	==	==					
Fitness/health club or facility, accessory	==	==					
Golf course	==	==					
Historical park	==	==					
Library, museum	==	==					
Meeting facility, public or private	==	==					
Meeting facility, religious	==	==					
Park, playground - Public	<u>P (4)</u>	<u>P (4)</u>					
Park, playground - Private	==	==					
Private residential recreation facility	==	==					
Recreational vehicle (RV) park	==	==					
School	==	==					
School - Business, professional, trade	==	==					
Shooting range	==	==					
Sports and outdoor recreation facilities	==	==					
Sports and outdoor recreation facilities, accessory	==	==					
Studio - Art, dance, martial arts, music, etc	==	==					
Theater - Indoor	==	==					
Trail for bicycles, hiking, or riding	==	==					
Trout farm	==	==					
Zoo	==	==					

**Key to Zone Symbols**

<u>NTS</u>	Naples Townsite	<u>CZ</u>	Coastal Zone
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**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) Only one such facility may be allowed within each project site area covered by an approved Final Development Plan and such facility may only be used by owners and residents of the project area for non-commercial purposes
- (4) Use restricted to public coastal access and recreational uses not associated with a commercial onsite operation, commercial-lead tours of the site, or any for-fee or other remuneration recreational activities, except as allowed as part of an equestrian facility, are expressly prohibited.

<b>Table 2-22 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<b>NTS</b>	<b>NTS CZ</b>				

**RESIDENTIAL USES**

Agricultural employee housing, 4 or fewer employees	MCUP	MCUP					35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP					35.42.030
Caretaker/manager dwelling	==	==					
Dwelling, one-family	P (3)	P (3)					
Dwelling, two-family	==	==					
Dwelling, multiple	==	==					
Emergency shelter	==	==					
Guest house or artist studio	P	P					35-42.160
Home occupation	P	P					35.42.190
Mobile home park	==	==					35.23.080
Monastery	==	==					
Residential accessory use or structure	P	P					35.42.020
Residential project convenience facility	==	==					35.42.220
Residential second unit	CUP (4)	CUP (4)					35.42.230
Single room occupancy facility (SRO)	==	==					
Special care home, 7 or more clients	==	==					35.42.090

**RETAIL TRADE**

Agricultural product sales, on-site production only	P	P					35.42.050
Auto and vehicle sales and rental	==	==					
Bar, tavern	==	==					
Building and landscape materials sales - Outdoor	==	==					
Clothing store	==	==					
Convenience store	==	==					
Convenience store, in mixed use project	==	==					
Drive-through facility	==	==					35.42.130
General retail	==	==					
Grocery/food store	==	==					
Office supporting retail	==	==					
Plant nursery	==	==					
Restaurant, café, coffee shop - Indoor and outdoor	==	==					
Restaurant, café, coffee shop - Accessory to recreation use	==	==					
Service station	==	==					
Visitor-serving commercial	==	==					

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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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) Not allowed in addition to a artist studio.

<b>Table 2-22 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	E	Allowed use, no permit required (Exempt)				
	P	Permitted use, Land Use or Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
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	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<u>NTS</u>	<u>NTS</u> <u>CZ</u>				

**SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL**

Bank, financial services - Branch facility	==	==				
Bank, financial services - Complete facility	==	==				
Business support services	==	==				
Drive-through facility	==	==				35.42.130
Medical services - Clinic	==	==				
Medical services - Doctor office	==	==				
Medical services - Extended care	==	==				
Medical services - Hospital	==	==				
Office - Accessory	==	==				
Office - Business/service	==	==				
Office - Executive headquarters	==	==				
Office - Professional/administrative	==	==				

**SERVICES - GENERAL**

Cemetery, mausoleum	==	==				
Charitable or philanthropic organization	==	==				
Large family day care home	==	==				35.42.090
Small family day care home	==	==				35.42.090
Child care center, Non-residential	==	==				35.42.090
Child care center, Non-residential, accessory	==	==				35.42.090
Child care center, Residential	==	==				35.42.090
Drive-through facility	==	==				35.42.130
Lodging - Hostel	==	==				
Lodging - Hotel or motel	==	==				
Mortuary	==	==				35.42.120
Mortuary, accessory to cemetery	==	==				35.42.120
Music recording studio	==	==				
Personal services	==	==				
Personal services, employees only	==	==				
Personal services in mixed use project	==	==				
Repair service - Equipment, appliances, etc. - Indoor	==	==				
Repair service - Equipment, appliances, etc. - Outdoor	==	==				
Repair service - Small appliances	==	==				
Vehicle services - Minor maintenance/repair	==	==				

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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**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.

Table 2-22 - 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
	NTS	NTS CZ				

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Agricultural product transportation facility	<u>CUP</u>	<u>CUP</u>				35.42.040.B.2
Airstrip, public	==	==				
Airstrip, private and temporary	==	==				
Airstrip, temporary	==	==				
Boat launching facility accessory to approved recreation use	==	==				
Drainage channel, water course, storm drain, less than 20,000 sf	==					
Drainage channel, water course, storm drain, 20,000 sf or more	<u>P</u>	<u>P</u>				
Electrical substation - Minor (3)	<u>MCUP</u>	<u>MCUP</u>				
Electrical substation - Major	==	==				
Electrical transmission line (4) (5)	<u>CUP</u>	<u>CUP</u>				
Flood control project, less than 20,000 sf total area (6)	<u>P</u>	<u>P</u>				
Flood control project, 20,000 sf or more total area (6)	<u>MCUP</u>	<u>MCUP</u>				
Freeways and related facilities	==	<u>P</u>				
Heliport	==	==				
Parking facility, conjunctive use	==	==				35.36.120
Parking facility, public or private	==	==				
Pier, dock	==	==				
Pipeline - Oil and gas	==	==				35.5
Public utility facility	==	==				
Public works or private service facility	==	==				
Railroad	==	==				
Road, street, less than 20,000 sf total area (6)	<u>P</u>	<u>P</u>				
Road, street, 20,000 sf or more total area (6)	<u>MCUP</u>	<u>MCUP</u>				
Roadside rest area operated by a governmental agency	==	==				
Sea wall, revetment, groin, or other shoreline structure	==	==				
Telecommunications facility	<u>S</u>	<u>S</u>				35.44
Transit station or terminal	==	==				
Truck and freight terminal - Temporary	==	==				
Truck and freight terminal - Permanent	==	==				
Underground gas storage	==	==				
Utility service line with less than 5 connections (4)	<u>P</u>	<u>P</u>				
Utility service line with 5 or more connections (4)	<u>MCUP</u>	<u>MCUP</u>				
Vehicle inspection station, permanent, governmental	==	==				
Wind turbines and wind energy systems	<u>S</u>	<u>S</u>				35.57

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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**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) Use is subject to the standards of the PU zone.
- (4) Does not include lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

<b>Table 2-22 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Special Purpose Zones</b>	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				
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>					<b>Specific Use Regulations</b>
	<u>NTS</u>	<u>NTS CZ</u>				

**WATER SUPPLY & WASTEWATER FACILITIES**

Bulk water importation facilities	==	==				
Desalination facility, serving less than 15 connections	==	==				
Desalination facility, 15 to less than 200 connections	==	==				
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	<u>P</u>	<u>P</u>				
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	<u>MCUP</u>	<u>MCUP</u>				
Reservoir, less than 20,000 sf total development	<u>P</u>	<u>P</u>				
Reservoir, 20,000 sf to less than 50,000 sf total development	<u>MCUP</u>	<u>MCUP</u>				
Reservoir, 50,000 sf or more total development	<u>MCUP</u>	<u>MCUP</u>				
Sewage treatment facilities - Central plant	==	==				
Wastewater treatment system, individual, alternative	<u>MCUP</u>	<u>MCUP</u>				
Wastewater treatment system, individual	<u>P</u>	<u>P</u>				
Wastewater treatment facility, less than 200 connections	<u>CUP</u>	<u>CUP</u>				
Water diversion project	<u>MCUP</u>	<u>MCUP</u>				
Water extraction - Commercial	==	==				
Water or sewer system pump or lift station (4)	<u>P</u>	<u>P</u>				
Water supply, treatment, storage facilities - Central plant	==	==				
Water system with 1 connection	<u>P</u>	<u>P</u>				
Water system with 2 to less than 5 connections	<u>MCUP</u>	<u>MCUP</u>				
Water system with 5 or more connections (5)	<u>MCUP</u>	<u>MCUP</u>				
Water well, agricultural	<u>P</u>	<u>P</u>				

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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**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) Limited to wastewater pipelines; see Article 35.5 for development standards.
- (4) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) In the Coastal Zone, limited to less than 200 connections.

**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 amended to amend Section 35.26.040, Special Purpose Zones Development Standards, of Chapter 35.26, Special Purpose Zone, to amend Table 2-24, Special Purpose Zones Development Standards, to add a new column to read as follows:

**Table 2-24 – Special Purpose Zones Development Standards**

Development Feature	Requirement by Zone		
	<u>NTS &amp; NTS (CZ) Naples Town Site</u>		
<b>Minimum Lot Size</b>	<i>Minimum area for lots proposed in new subdivisions.</i>		
	None		
<b>Residential density</b>	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>		
Maximum density	See Section 35.26.xxx.		
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>		
Front - Primary			
Front – Secondary			
Side	<u>As determined by Final Development Plan.</u>		
Rear			
Accessory structures			
Building separation			
<b>Site coverage</b>	<i>Maximum percentage of net site area covered by buildings.</i>		
Maximum coverage	<u>As determined by Final Development Plan.</u>		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations).</i>		
Maximum height	See Section 35.26.060.		
<b>Landscaping</b>	See Section 35.26.060 and Chapter 35.34 (Landscaping Standards).		
<b>Parking</b>	See Chapter 35.36 (Parking and Loading Standards).		
<b>Signs</b>	See Chapter 35.38 (Sign Standards).		

**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 amended to amend Chapter 35.26, Special Purpose Zone, to add a new Section 35.26.060, NTS Zone Additional Standards, to read as follows, and to renumber existing Section 35.26.060 through Section 35.26.090 as Section 35.26.070 through 35.26.100:

### **35.26.060 - NTS Zone Standards**

Development within the NTS zone shall comply with the following standards, in addition to those in Section 35.26.040 (Special Purpose Zones Development Standards).

**A. Design Review required.** Any structure exceeding 500 square feet of gross floor area, and any addition to an existing structure where the addition exceeds 500 square feet of gross floor area or any addition to an existing structure that results in a structure exceeding 500 square feet of gross floor area shall require Design Review in compliance with Section 35.82.070 (Design Review).

**B. Minimum lot Size.**

1. Newly created lots and reconfiguration of existing lots shall conform to the approved Development Plan.
2. No minimum lot size is required; however, structures and site improvements shall be confined to development envelopes and the remaining area of each lot outside of the development envelope shall be restricted to agriculture or open space and protected by permanent easement.
3. Development envelope, as used herein means and includes the contiguous portion of a lot on which is located all structures and site improvements as shown and designated on the Development Plan.

**C. Setbacks.** There are no standard setback requirements. Setbacks shall be designated on the approved Development Plan in order to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances, and advance the general welfare within the Naples Townsite zone.

**D. Siting of structures.** The siting of structures shown on the Development Plan shall be based on the following factors: privacy, light and air, solar exposure, building configuration, aesthetics and preservation of public views.

**E. Distance required between structures and designated trails.** All structures shall be setback from public trails in compliance with the standards set forth on the adopted Santa Barbara County Parks Recreation and Trails Map (PRT) in effect at the time of approval of the Development Plan (Preliminary or Final). In the absence of an adopted standard, a minimum setback of 35 feet shall be required.

**F. Height limit.**

1. The height limit for structures is 25 feet except as provided below.
  - a. Chimneys, church spires, elevator, minor mechanical and stair housings, flag poles, towers, vents, and similar structures which are not used for human activity may be up to 35 feet in height where the excess height is not prohibited by Section 35.28.200 (View Corridor Overlay). The use of towers or similar



- e. A Non-Native Wildlife Control Program that controls brown-headed cowbirds and European starlings which are attracted, in particular, to livestock areas.
  - f. A Monarch Butterfly Roost Protection Program that safeguards monarch butterflies from development activities and subsequent use of open spaces, including the bluffs near the ocean.
  - g. A Construction Management Program that details best management practices to minimize potential soil erosion during construction and demonstrates that surface runoff from hardscapes and access roads will not increase the potential for soil erosion.
  - h. An Agricultural Management Program that prohibits row-crop agriculture (e.g., orchards, vineyards, etc.) within all designated open space areas containing grassland, coastal scrub, chaparral, oak woodland, wetland or eucalyptus woodland habitats.
5. The topical areas and specificity of the Open Space and Habitat Management Plan shall be appropriate to the environmental setting of the property and the final content shall be determined in connection with the environmental review process for the project.
6. The Open Space and Habitat Management Plan shall identify the location of easements on all project parcels where lands are to be protected and/or enhanced. All allowable and unallowable uses and activities within each easement shall be described in the Open Space and Habitat Management Plan.
7. The Open Space and Habitat Management Plan shall identify the specific third party conservation organization (e.g., Land Trust or other organization), among whose purposes it is to conserve open space and/or natural resources of the conservation easement, provided that:
- a. The organization is a bona fide conservation organization; and
  - b. Provisions for proper reverter or retransfer to another bone fide conservation organization are made in the event that organization becomes unwilling or unable to continue carrying out its functions.

In the event a third party conservation organization is unavailable to accept the easement and implement the Open Space and Habitat Management Plan, the County shall identify an alternative appropriate entity. If the replacement organization cannot demonstrate expertise in natural resource management and conservation, such organization, as a condition of its selection, shall employ a qualified biologist, as approved by the Department, to monitor implementation of the Open Space and Habitat Management Plan.

8. Through implementation of the Open Space and Habitat Management Plan, the third party conservation organization shall assure that the open space will be protected in perpetuity from all forms of development, except as shown on the approved

Development Plan.

**H. Visual development standards.**

**1. Visual analysis.**

- a. No permits for development shall be issued without project-specific visual analysis that uses story poles, photo-simulation or other comparable visualization techniques, to analyze the height, scale and character of proposed structures as seen from prominent public viewing areas.
- b. The visual analysis shall be performed and submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone and shall be used to demonstrate consistency with relevant visual resource policies of the Comprehensive Plan including the Coastal Land Use Plan.
- c. Prominent public viewing areas, as used in this Subsection, means and includes vantage points readily accessible to the general public which provide the greatest opportunity for viewing natural features of the project area taking into account physical topography, foreground obstructions, proximity to the project site, viewing duration, number of viewers and similar considerations that limit visibility of the proposed development. Areas that are determined to constitute prominent public viewing areas shall be graphically depicted in the visual analyses.

**2. Lighting.**

- a. All lighting shall be energy conserving and follow night sky lighting practices, generally conforming to the standards and recommendations of the International Dark-Sky Association and the Illuminating Engineering Society of North America. All exterior lighting installations shall be:
  - (1) Designed and installed to be fully shielded (full cutoff) such that the lamp itself or the lamp image is not directly visible beyond the area of illumination.
  - (2) Located and designed so as to avoid creating off-site glare, light spillover onto adjacent properties, or upward illumination into the night sky.
  - (3) Of low intensity and low glare design.
  - (4) Utilize motion, light and time sensors that minimize the duration of use.
- b. All light poles, fixtures, and hoods shall be constructed or coated with a non-reflective exterior finish.
- c. No uplighting of landscape or structures shall be allowed and exterior lighting of driveways, roads and parking areas shall be the minimum necessary to provide safety and security.

- d. A schematic lighting concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
  - f. Prior to the issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits) for any aspect of an approved Final Development Plan, final lighting details shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
- 3. Roads, driveways, and parking areas.**
- a. All roads, driveways and parking areas (private as well as public) shall be sited so as to avoid, where feasible, their visibility from public viewing areas (e.g., public roads, trails and the ocean) including, where possible, the consolidation and sharing of common access.
  - b. If paved surfaces cannot feasibly be located outside the public viewshed due to geologic, topographic or biological constraints, only surface materials that are designed to be compatible and not detract from the rural character of the Gaviota Coast shall be allowed.
  - c. Such design techniques should include use of stamped and colorized concrete and paving with locally-occurring earth-tone colors.
  - d. A schematic hardscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
  - e. Prior to the issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits) for any aspect of an approved Final Development Plan, surface materials for all paved surfaces shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).
- 4. Undergrounding of utility services.** All new utility service shall be underground.
- 5. Public access stairways.** Any public access stairway(s) constructed at the Naples bluff shall be designed with materials that are durable, promote safety, and minimize the visual effect on the natural setting.
- a. Concept drawings of all public trail and bluff access improvements shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone.
  - b. Prior to issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits) for any aspect of an approved Final Development Plan, final design details of all public trails and bluff access



stairway(s) (if any) shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).

6. **Preservation of existing features.** Existing features that serve to blend, obscure or otherwise substantially diminish visibility of proposed structures, as well as new features which serve as mitigation to accomplish the same outcome, shall be maintained in a continuous state of good condition and repair. Existing vegetation that serves to screen the proposed development shall not be altered in any manner that would increase the visibility of the development except where:
- a. Such alteration is specifically allowed by the approved Development Plan.
  - b. Such alteration is performed under the direction of a licensed arborist
  - c. Such alteration, if it involves tree removal, is determined necessary and appropriate by a licensed arborist for reasons of disease, death or similar circumstance.

In addition, any trees or significant vegetation (whether existing at time of development or added as a condition of approval) which are integral to demonstrating consistency with relevant visual resource policies of the Comprehensive Plan including the Coastal Land Use Plan, and which subsequently die, shall be replaced with trees and vegetation of a comparable size, species and density that shall achieve the same or comparable visual effect within a reasonable period of time as determined by the Board of Architectural Review.

7. **Preservation and maintenance of trees and vegetation on adjacent property.**
- a. Preservation and maintenance of trees and vegetation on adjacent property, owned by parties other than the applicant, that serve to blend, obscure or substantially diminish visibility of proposed structures on the applicant's property shall be the applicant's responsibility. Alternatively, the applicant shall create a comparable hedgerow on its property with trees and vegetation of a comparable size, species and density that shall, within five years, achieve the same or comparable visual effect that is presently served by trees and vegetation on adjacent property.
  - b. Prior to issuance of Coastal Development Permits in compliance with Section 35.82.050 (Coastal Development Permits) or Land Use Permits in compliance with Section 35.82.110 (Land Use Permits) for any aspect of an approved Final Development Plan, a Vegetative Hedgerow Plan shall be submitted for review and approval by the Department. The Vegetative Hedgerow Plan shall:
    - (1) Identify off-site trees and vegetation that are integral to the project.
    - (2) Specify the mechanism and arrangements by which to assure that off-site trees and vegetation are maintained in a continuous state of good condition and repair, in compliance with the standards set forth in Subsection H.6. above.

- (3) Provide a planting plan with appropriate security to create a comparable hedgerow on the site the proposed development.

8. Fencing.

**a. Goals.** Exterior fencing shall affirmatively further the following overarching goals:

- (1) Reflect the rural character of the Gaviota Coast.
- (2) Be permeable and not impair public views nor the passage of light, air or native wildlife.
- (3) Avoid the appearance of property fragmentation (e.g., use of rocks or similar low-profile materials to demark property lines).

**b. Schematic fencing concept.** A schematic fencing concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone. This schematic fencing concept shall affirmatively further the goals listed in Subsection H.8.a., above, and shall:

- (1) Depict typical fencing details for individual lots and development envelopes.
- (2) Identify all of the following:
  - (a) Perimeter and common area fencing property line delineation.
  - (b) Separation between private and public open space easement areas.
  - (c) Separation for agricultural areas, and where applicable, at or within development envelopes.

**c. Fencing plan standards.** The fencing plan shall be in compliance with the following standards:

- (1) Fencing outside of the development envelope of individual lots shall be constructed with appropriate materials such as unpainted split rail, low stone wall or wire consistent with the rural and agrarian character of the land.
- (2) Where fencing would separate an agricultural area from an Open Space and Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious of wildlife; barb wire fences are expressly prohibited.
- (3) Fencing within the development envelope of individual lots may employ solid materials, consistent and complimentary with the architectural character of the building design, not to exceed a maximum height of six

feet. Fencing at or within the development envelope may be designed to restrict wildlife passage.

**9. Roadways and drainage.**

- a. Roads and driveways shall be kept to a minimum width and length, and shared where possible.
- b. Roads and driveways shall utilize permeable features (e.g., natural inlaid rock-lined gutters, etc.) to improve natural filtration or otherwise direct sheet flows to bioswales, subject to County Fire Department access roadway requirements. Private lot parking areas or auto courts are permitted to be constructed of impermeable surfaces, subject to the limitations in this Section.
- c. All paved surfaces shall be designed so as to divert surface water to bioswales, French drains or other appropriate drainage devices to avoid, where feasible, surface run off into creeks and the ocean.
- d. Grading for roads and driveways shall be minimized.

**10. Sea walls and other bluff protective devices, and public and private beach access stairways.**

- a. Development on blufftop parcels within the Naples Townsite zone shall be conditioned during permit approval so that no protective device(s) that would alter the natural landforms of bluffs or cliffs shall be constructed to protect structures in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 for any aspect of an approved Final Development Plan, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this subsection.
- b. Any public access stairways to the beach shall be engineered and designed with best management practices erosion control measures.
- c. Private access stairways to the beach are prohibited. Prior to the issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 for any aspect of an approved Final Development Plan, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this subsection.

**11. Landscaping.**

- a. Landscaping shall be utilized to visually integrate development with the rural character of the Gaviota Coast. A schematic landscape concept shall be submitted as part of the Development Plan in conjunction with an application to rezone to the Naples Townsite zone which:
- (1) Depicts typical planting details for individual lots and development envelopes.
  - (2) Identifies all perimeter and common area landscaping.
- b. Prior to issuance of a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 for any aspect of an approved Final Development Plan, landscape and irrigation plans shall be prepared by a botanist, licensed landscape contractor or California registered landscape architect and shall be submitted for review and approval by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review). The landscape and irrigation plans shall incorporate at a minimum the following features:
- (1) Water conserving irrigation and drought-tolerant native species, consistent with existing vegetation located along the Gaviota Coast.
  - (2) Selection of vegetation on the basis of screening capabilities, non-invasive character, rate of growth, and compatibility with existing on-site vegetation (if any).
  - (3) The type, size and density of new plant material shall be sufficient, within five years, to reasonably screen or otherwise blend the development into its natural setting.
  - (4) Retention of existing vegetation for their screening and visual character.
  - (5) Newly planted non-native landscaping shall not be visually obtrusive to public views (e.g., large, non-native palm trees, etc.) or detract from the rural character of the Gaviota coast.
  - (6) Implementation of an Integrated Pest Management Plan that avoids or minimizes use of biodegradable pesticides and herbicides.

**SECTION 8:**

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 amended to amend Section 35.30.070, Fences and Walls, of Chapter 35.30, Standards for All Development and Land Use, by adding a new Subsection 5 to Subsection C., Height limits and permit requirements, to read as follows:

5. **Naples Townsite zone.** All fences located on a lot zoned Naples Townsite shall be in compliance with the fencing plan component of the Final Development Plan in effect for the subject lot.

**SECTION 9:**

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 amended to amend Section 35.30.070, Fences and Walls, of Chapter 35.30, Standards for All Development and Land Use, by amending Table 3-1, Fence Height and Permit Requirements in all Zones Except in Agricultural Zones, to read as follows:

**Table 3-1 - Fence Height and Permit Requirements in all Zones Except in Agricultural Zones**

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)	Coastal Development or Land Permit Required	Minor Conditional Use Permit Required (2)
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Not Applicable	Fence more than 6 ft high; gatepost more than 8 ft high
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not Applicable	Fence more than 6 ft high; gatepost more than 8 ft high
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

**Notes:**

- (1) Within the Coastal Zone, fences shall be exempt only if the development will:
- a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
  - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
  - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

- (2) Within the Naples Townsite zone, additional height may not be allowed with a Minor Conditional Use Permit.

**SECTION 10:**

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 amended to amend Section 35.34.090, Special Purpose Zones Landscaping Requirements, of Chapter 35.34, Landscaping Standards, by adding a new Subsection B to read as follows, and to re-letter existing Subsection B. through Subsection E. as Subsection C. through Subsection F:

- B. Naples Townsite (NTS) zone.** A landscape plan shall be approved for all development within the NTS zone. The landscape plan shall be in compliance with the requirements of Subsection 35.26.060.H.11.

SECTION 11:

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 amended to amend Section 35.42.030, Agricultural Employee Dwellings, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

**35.42.030 - Agricultural Employee Dwellings**

- A. Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by Article 35.2 (Zones and Allowable Land Uses).
- B. Uses allowed with a Minor Conditional Use Permit.** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land that are engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:
1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and
  2. The applicant provides proof of the full-time employment of the employees. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
    - a. Employer's income tax return.
    - b. Employee's pay receipts.
    - c. Employer's DE-3 form.
    - d. Employee's W-2 form.
    - e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
    - f. Other option approved by the Director.
  3. **NTS zone.** On a lot zoned NTS:
    - a. The minimum gross lot area on which an agricultural employee dwelling may be approved is 100 acres.
    - b. An agricultural employee dwelling shall not be allowed in addition to an artist studio, guesthouse or residential second unit.
    - c. The gross floor area of an agricultural employee dwelling shall not exceed 1,200 square feet.

**C. Uses allowed with a Conditional Use Permit.** Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

1. **NTS zone.** On a lot zoned NTS, only one such Conditional Use Permit may be allowed within each project site area covered by an approved Final Development Plan.

#### SECTION 12:

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 amended to Section 35.42.050, Agricultural Product Sales, of Chapter 35.42, Standards for Specific Land Uses, to add a new Subsection C.4, NTS zone, to Subsection C., Permit requirements, to read as follows:

4. **NTS zone.**
  - a. **Coastal Zone.** Within the Coastal Zone, the sale of agricultural products grown onsite shall be exempt from the requirement to obtain a Coastal Development Permit or Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection D. (Standards) below and only if the activity will not:
    - (1) Be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff.
    - (2) Result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights).
    - (3) Result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.
  - b. **Inland area.** Within the Inland area, the sale of agricultural products grown onsite shall be exempt from the requirement to obtain a Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection D. (Standards) below.

#### 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 amended to amend Section 35.42.050, Agricultural Product Sales, of Chapter 35.42, Standards for Specific Land Uses, to amend Subsection D.2. of Subsection D, Standards, to read as follows:

2. In the Inland area, except on a lot zoned NTS, if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural

structure or from a separate stand not exceeding 600 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.

- a. On a lot zoned NTS if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 200 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.

#### SECTION 14:

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 amended to amend Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, by amending Subsection E.1., Zones other than EX-1/EX-1 CZ, of Subsection E., Use of property for animals different in species or greater in number, to read as follows:

1. **Zones other than EX-1/EX-1 CZ and NTS/NTS CZ.** In all zones other than EX-1, EX-1 CZ, NTS and NTS CZ, a lot may be used for the keeping of animals that are of a different species than those identified in Table 4-1 through Table 4-8, or where the number of animals is greater than that specified in Table 4-1 through Table 4-8 in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

#### SECTION 15:

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 amended to amend Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific Land Uses, by amending Subsection F., Specific animal keeping standards, to add a new Subsection F.3 to read as follows, and to renumber existing Subsection F.3. and F.4. as F.4. and F.5:

3. **Special standards and requirements for animal keeping in the NTS zones.** The following special standards shall apply to animal keeping in the NTS and NTS CZ zones:
  - a. **Accessory use.** Except for animals that are kept as part of an agricultural use of the lot:
    - (1) The animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs.
    - (2) The animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.



**b. Animal enclosures for large animals.**

- (1) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
- (2) No portion of a stable, barn or other large animal enclosure shall be located closer than:
  - (a) 40 feet to any dwelling located on another lot.
  - (b) 70 feet to any street centerline and 20 feet to any street right-of-way.
  - (c) 15 feet from the rear property line.
  - (d) 10 feet from the side property lines.
  - (e) 10 feet from the property lines of an interior lot.

**c. Limitation on dogs.**

- (a) No more than three dogs shall be allowed on a lot.
- (b) Dogs shall be controlled by a leash at all times whenever they are outside a recorded development envelope.

**d. Small non-hoofed animals.** Small non-hoofed animals (e.g., chickens, birds, ducks, rabbits) may be allowed provided that:

- (1) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- (2) Enclosures for such animals shall be located no closer than 25 feet to any dwelling located on another lot.
- (3) Not more than 10 such animals of any species allowed under this category shall be permitted on any lot unless they are kept as part of an agricultural use of the lot.
- (4) Beekeeping is not allowed.

**e. Boarding and raising of animals.** Boarding and raising of animals for commercial purposes is expressly prohibited.

**SECTION 16:**

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 amended to amend Section 35.42.060, Animal Keeping, of Chapter 35.42, Standards for Specific

Land Uses, Table 4-8, Animal Keeping in Special Purpose Zones, to the animal keeping permit requirements and maximum number of animals per lot and additional regulations for the NTS zone as follows:

<b>Table 4-8</b>		E	Allowed use, no permit required (Exempt)
<b>Animal Keeping in Special Purpose Zones:</b>		P	Permitted Use, Land Use or Coastal Permit Required
<b>MU, NTS, NTS CZ, OT-R, OT-R/LC, OT-R/GC, PU, PU CZ, REC, REC CZ, TC</b>		MCUP	Minor Conditional Use Permit
		CUP	Conditional Use Permit required
		S	Permit requirement set by Specific Use Regulations
		—	Use not allowed
<b>Type of Animal or Animal Keeping Activity</b>	<b>Permit Requirement by Zone (1)</b>	<b>Maximum Number of Animals per Lot (2)</b>	
		<b>Additional Regulations</b>	
<u>Animal husbandry</u>	<u>NTS</u>	<u>E(5)</u>	<u>1 large hoofed animal per 20,000 sf, with a maximum of 3 swine or 5 other animals per lot; 1 small hoofed animal (not including cattle or horses) if lot is a minimum of 10,000 sf</u>
<u>Household pets</u>	<u>NTS</u>	<u>E</u>	<u>See 35.42.060.F.1</u>
<u>Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches (3)</u>	<u>NTS</u>	<u>E</u>	<u>1 animal per 20,000 sf with a maximum of 5 animals per lot</u>
<u>Commercial raising and boarding of animals</u>	<u>NTS</u>	<u>E(6)</u>	
<u>Dairy</u>	<u>NTS</u>	<u>—</u>	
<u>Goats and sheep (3)</u>	<u>NTS</u>	<u>E</u>	<u>1 animal per 20,000 sf, maximum of 5 animals per lot</u>
<u>Hogs and swine(3)</u>	<u>NTS</u>	<u>E</u>	<u>1 animal per 20,000 sf with a maximum of 3 animals per lot</u>
<u>Kenel, commercial</u>	<u>NTS</u>	<u>—</u>	
<u>Kenel, non-commercial (3)</u>	<u>NTS</u>	<u>—</u>	
<u>Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)</u>	<u>NTS (4)</u>	<u>E</u>	<u>10</u>
<u>Wildlife species rehabilitation</u>	<u>NTS</u>	<u>E</u>	<u>None</u>

Notes:

- (1) The zone type includes both the Coastal Zone and the Inland area unless listed separately (e.g., AG-I and AG-I CZ).
- (2) See Subsection 35.42.060.G (Multiple animal types) above.
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) Beekeeping is not allowed in the NTS zone.
- (5) Animal husbandry is only allowed in conjunction with equestrian facilities (see Table 2-22).
- (6) Raising and boarding of animals is only allowed for the non-commercial benefit of residents and owners (see Table 2-22).

**SECTION 17:**

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 amended to amend Section 35.42.230, Residential Second Units, of Chapter 35.42, Standards for Specific Land Uses, by amending Subsection G.1.f. of Subsection G.1., Standards applicable to all residential second units, of Subsection G., Development Standards, to read as follows:

- f. A residential second unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be

nonconforming as to use, or farm employee housing (unless the residential second unit is proposed to be located on a lot zoned AG-I located in the Inland area). If a residential second unit has been approved on a lot, a guesthouse or similar structure shall not subsequently be approved unless the residential second unit is removed.

- (1) On a lot zoned NTS a residential second unit shall not be allowed in addition to an artist studio. If a residential second unit has been approved on a lot, an artist studio shall not subsequently be approved unless the residential second unit is removed. If an artist studio has been approved on a lot, a residential second unit shall not subsequently be approved unless the artist studio is removed.

**SECTION 18:**

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 amended to amend Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses, by amending Table 15, Allowed Temporary Uses and Permit Requirements for Special Purpose Zones, to add NTS and NTS CZ as additional columns and within the Key to Zone Symbols, along with applicable Notes, as follows:

<b>Table 4-15</b>  <b>Allowed Temporary Uses and Permit Requirements for Special Purpose Zones</b>	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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<u><b>NTS</b></u>	<u><b>NTS CZ</b></u>			

**TEMPORARY EVENTS**

Carnivals, circuses, and similar activities	==	==			35.42.260.F.1
Certified farmers market	==	==			
Certified farmers market (incidental)	==	==			35.42.260.F.3
Charitable functions	==	==			35.42.260.F.4
Public assembly events in facilities; event consistent	<u>E</u>	<u>E</u>			35.42.260.F.7
Public property	<u>E</u>	<u>E</u>			35.42.260.F.8
Reception and similar gathering facilities (commercial)	==	==			35.42.260.F.9
Rodeos and other equestrian events	==	==			35.42.260.F.10
Seasonal sales lots	==	==			35.42.260.F.11
Spectator entertainment facilities	==	==			35.42.260.F.12
Subdivision sales office	<u>P</u>	<u>P</u>			35.42.260.F.13

**TEMPORARY DWELLINGS**

During construction of new dwelling	<u>P</u>	<u>P</u>			35.42.260.F.15
Trailer (4 or less agricultural employees)	<u>MCUP</u>	<u>MCUP</u>			35.42.260.G.4
Trailer (watchman during construction)	<u>P</u>	<u>P</u>			35.42.260.G.15
Trailer (dwelling after destruction of dwelling)	<u>P</u>	<u>P</u>			35.42.260.G.10

Trailer (dwelling during construction of new dwelling)	<u>P</u>	<u>P</u>			35.42.260.G.9
Trailer (railroad work camp)	<u>MCUP</u>	<u>MCUP</u>			35.42.260.G.11
Trailer (watchman)	<u>MCUP</u>	<u>MCUP</u>			35.42.260.G.14

<b>Table 4-15 - Continued</b>  <b>Allowed Temporary Uses and Permit Requirements for Special Purpose Zones</b>	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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<u>NTS</u>	<u>NTS CZ</u>			

**TEMPORARY OFFICE/STORAGE**

Trailer (accessory to permanent building)	<u>—</u>	<u>—</u>			35.42.260.G.3
Trailer (air quality monitoring station)	<u>MCUP</u>	<u>MCUP</u>			35.42.260.G.7
Trailer (construction office, shop, storage, etc.)	<u>S</u>	<u>S</u>			35.42.260.G.8
Trailer (storage as accessory to dwelling)	<u>E</u>	<u>E</u>			35.42.260.G.12
Trailer (subdivision sales office)	<u>P</u>	<u>P</u>			35.42.260.G.12

**Key to Zone Symbols**

<b>NTS</b>	Naples Townsite	<b>CZ</b>	Coastal Zone
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**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.

**SECTION 19:**

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 amended to amend Section 35.104.090, Rezoning Requirements for Specific Zones, of Chapter 35.42, Standards for Specific Land Uses, to add a new Subsection D. to read as follows, and to re-letter existing Subsection D. as Subsection E., and to re-letter existing Subsection E. as Subsection G:

**D. NTS zone.** An application for a rezoning to the NTS zone shall include a Final Development Plan in compliance with Section 35.82.080 (Development Plans). An application to rezone to the NTS zone shall not be approved without concurrent approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) and the requirements of this Subsection D.

- 1. Applicability.** This zone shall only be applied at the time application is made and lawfully considered to amend the Comprehensive Plan or Coastal Land Use Plan Map for purposes of applying the NTS designation. In no event may the designation extend beyond the boundaries of the Official Map of Naples or parcels contiguous to the boundaries of the Official Map which are owned by parties holding fee title to one or more of the Official Map lots, provided further that any such designation must be consistent with the intent of Coastal Land Use Plan Policy 2-13, and the agriculture and resource protection policies of the Comprehensive Plan including the Coastal

Land Use Plan.

2. **Timing.** A rezone in compliance with the Subsection to apply the NTS zone may occur when the owner of property within the Official Map requests reevaluation of the existing land use designation and zoning district in compliance with Coastal Land Use Policy 2-13.
3. **Application requirements.** An application for a rezoning to the NTS zone shall, at a minimum, contain the following:
  - a. **Feasibility study.** Consistent with Local Coastal Plan Policy 2-13 for land use designation on lots depicted on the Official Map, an application for a rezoning to the NTS zone for lots located within the Official Map shall require the preparation of a feasibility study for transfer of development rights before or concurrently with the processing of a rezone application to apply the NTS zone.
    - (1) Following the completion of a feasibility study for transfer of development rights for any or all of the lots comprising the Official Map, the requirements of Subsection D.3.a. may be satisfied by preparing a new feasibility study, updating previous studies or otherwise demonstrating the continued adequacy of previous studies.
  - b. **Development Plan application.** An application for a rezoning to the NTS zone shall include a Preliminary or Final Development Plan in compliance with Section 35.82.080 (Development Plans) including all of the site area proposed for rezoning.
  - c. **Open Space and Habitat Management Plan.** A preliminary Open Space and Habitat Management Plan in compliance with Subsection 35.26.060 shall be submitted in conjunction with an application to rezone to the Naples Town Site zone.
4. **Concurrent approval.** An application for a rezoning to the NTS zone shall not be approved without concurrent approval of a Development Plan.

SECTION 20:

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 revised to revise all indices, section references, figure numbers, footnotes and table numbers as appropriate to reflect the revisions enumerated above.

SECTION 21:

Within the Coastal Zone portion of the County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code

30514, whichever occurs later; and before the expiration of 15 days after its passage, 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.

SECTION 22:

Within the non-Coastal Zone portion of the County, this ordinance shall take effect and be in force 30 days from the date of its passage or upon the date that corresponding amendments to the Comprehensive Plan (Case No. 03GPA-00000-00005) have been adopted and become effective, whichever occurs later, and before the expiration of 15 days after its passage, a summary of this ordinance 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 21st day of October, 2008, by the following vote:

AYES: Supervisors Firestone, Gray, Centeno

NOES: Supervisors Carbajal, Wolf

ABSTAINED: None

ABSENT: None

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SALUD CARBAJAL  
Chair of the Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS MARSHALL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel





**Exhibit H**  
**Ordinance No. 4693**  
**County Land Use and Development Code and County Zoning Map**



**BOARD ZONING MAP AMENDMENT ORDINANCE**

FINAL ADOPTED  
SANTA BARBARA COUNTY

**SANTA BARBARA RANCH PROJECT**

**COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

ORDINANCE NO. 4693

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE AREA REGULATED BY SECTION 35-1 OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY CHANGING THE ZONING OF ASSESSOR PARCEL NOS. 079-140-027, 079-140-036, 079-140-030, 079-140-029, 079-140-037, 079-140-014, 079-140-022, 079-140-013, 079-150-034, 079-150-028, 079-150-017, 079-150-004, 079-140-061, 079-140-062, 079-140-053, 079-140-054, 079-160-019, 079-160-032, 079-160-040, 079-160-041, 079-160-045, 079-160-067, 079-180-022, 079-190-001, 079-190-007, 079-150-007, 079-160-008, 079-160-011, 079-160-050, 079-160-051, 079-160-056, 079-172-001, 079-180-003, 079-150-019, 079-140-015, 079-140-016, 079-140-023, 079-140-034, 079-150-002, 079-150-006, 079-150-007, 079-150-009, 079-150-011, 079-150-015, 079-150-022, 079-150-023, 079-150-025, 079-150-026, 079-150-027, 079-150-030, 079-150-031, 079-150-032, 079-150-036 and 079-150-041 INCLUDING PORTIONS THEREOF FROM AG-II-100 AND UNLIMITED AGRICULTURE (U) TO NAPLES TOWNSITE (NTS).

Case Nos. 03RZN-00000-00005 and 03RZN-00000-00006

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

**SECTION 1:**

The County Zoning Map within the area regulated by Section 35-1 of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor Parcel Nos. 079-140-027, 079-140-036, 079-140-030, 079-140-029, 079-140-037, 079-140-014, 079-140-022, 079-140-013, 079-150-034, 079-150-028, 079-150-017, 079-150-004, 079-140-061, 079-140-062, 079-140-053, 079-140-054, 079-160-019, 079-160-032, 079-160-040, 079-160-041, 079-160-045, 079-160-067, 079-180-022, 079-190-001, 079-190-007, 079-150-007, 079-160-008, 079-160-011, 079-160-050, 079-160-051, 079-160-056, 079-172-001, 079-180-003, 079-150-019, 079-140-015, 079-140-016, 079-140-023, 079-140-034, 079-150-002, 079-150-006, 079-150-007, 079-150-009, 079-150-011, 079-150-015, 079-150-022, 079-150-023, 079-150-025, 079-150-026, 079-150-027, 079-150-030, 079-150-031, 079-150-032, 079-150-036 and 079-150-041 including portions thereof from AG-II-100 and Unlimited Agriculture (U) to Naples Townsite (NTS) as shown on Exhibit A.

SECTION 2:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 3:

Within the Coastal Zone portion of the County (Case No. 03RZN-00000-00005), this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, 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.

SECTION 4:

Within the non-Coastal Zone portion of the County (Case No. 03RZN-00000-00006), this ordinance shall take effect and be in force 30 days from the date of its passage upon the date that corresponding amendments to the Comprehensive Plan (Case No. 03GPA-00000-00005) have been adopted and become effective, whichever occurs later; and before the expiration of 15 days after its passage, a summary of this ordinance 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 21<sup>st</sup> day of October, 2008, by the following vote:

AYES: Supervisors Firestone, Gray, Centeno

NOES: Supervisors Carbajal, Wolf

ABSTAINED: None

ABSENT: None

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SALUD CARBAJAL, Chair  
Board of Supervisors  
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

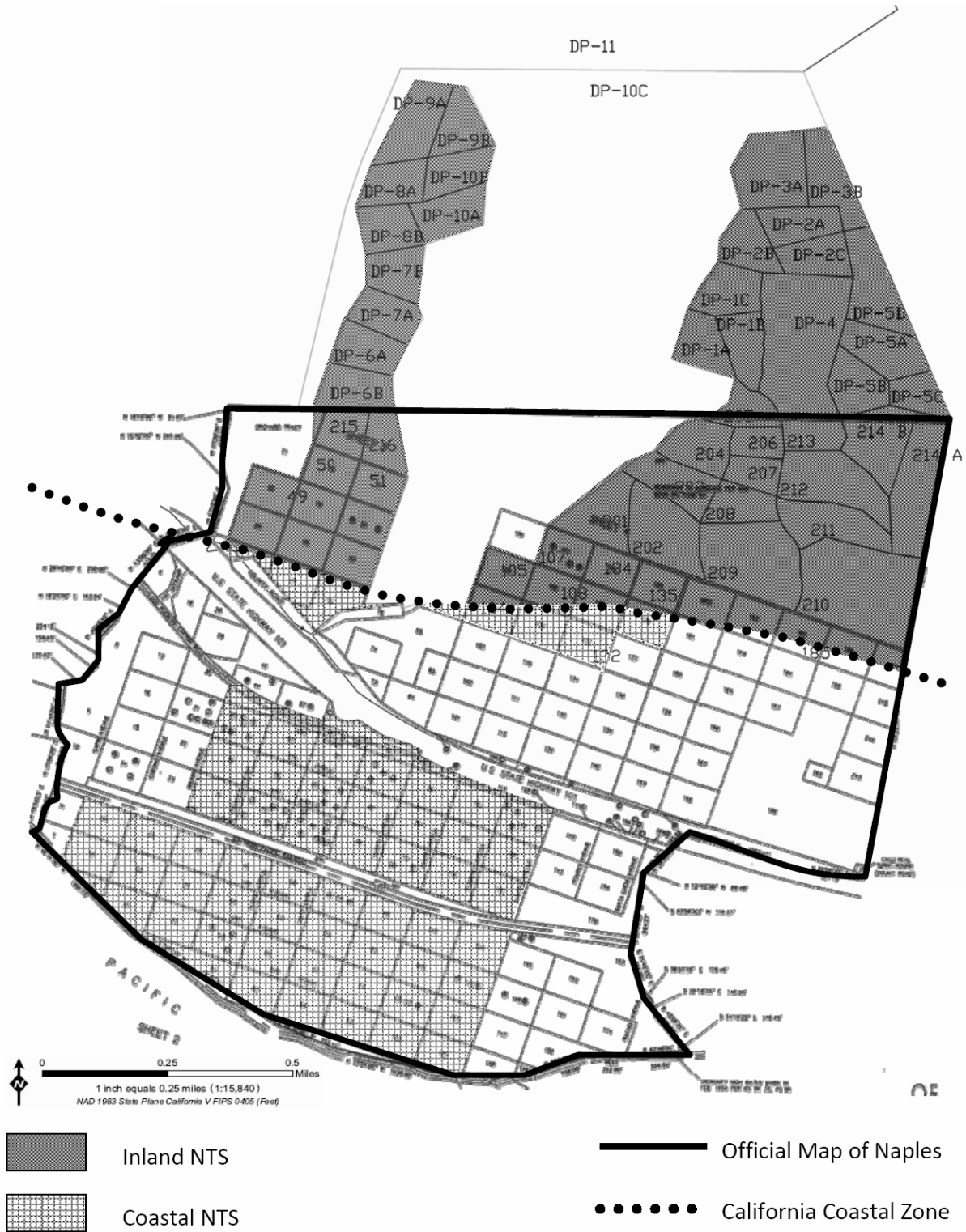
APPROVED AS TO FORM:

DENNIS MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

Attachment: Exhibit A

### Exhibit A



**Exhibit I**

**Resolution No. 08-363**

**Coastal Land Use Plan**





**BOARD RESOLUTION FOR COASTAL LAND USE PLAN AMENDMENT**

FINAL ADOPTED  
SANTA BARBARA COUNTY

**SANTA BARBARA RANCH PROJECT**

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

IN THE MATTER OF APPROVING ) RESOLUTION NO.: 08- 363  
AMENDMENTS TO THE SANTA BARBARA ) CASE NO.: 03GPA-00000-00006  
COUNTY LOCAL COASTAL PROGRAM )  
INCLUDING CHANGES TO THE TEXT AND )  
MAPS OF THE COASTAL LAND USE PLAN )  
REGARDING THE NAPLES TOWNSITE AREA. )

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and,
- B. It is now deemed 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 said County to amend the Coastal Land Use Plan as follows:

1. Text Amendments.

- a. Add the following policies to the end of Section 3.2 – Development:

“NAPLES TOWNSITE POLICIES

Policy 2-25 Development within the Naples Townsite designation shall be compatible with the preservation of adjacent and adjoining agricultural lands through the establishment of conservation easements, buffer areas and similar measures that impede the conversion of agricultural lands elsewhere along the Gaviota coast.

Policy 2-26 Development within the Naples Townsite designation shall include an Open Space and Habitat Management Plan (OSHMP) for conservation, restoration and enhancement of environmentally sensitive habitat (ESH) and maintaining areas for open space.

Policy 2-27 Development within the Naples Townsite designation shall be sited so as to minimize its visibility from prominent public viewing areas and shall incorporate design features to screen or otherwise blend the development into its natural setting.

Policy 2-28 Development within the Naples Townsite designation shall provide for the continuation of agricultural uses in those areas best suited for

existing agricultural activities and where such activities are compatible with both adjoining residential uses and identified habitat and open space enhancement/restoration areas.

- Policy 2-29 Development within the Naples Townsite designation shall incorporate design flexibility in the siting of dwellings and other development features in order to minimize the disturbance of rural landscape elements, habitat areas, scenic quality, and overall aesthetic value of the landscape.
- Policy 2-30 Utilities and services established within the Naples Townsite designation shall be the minimum necessary to serve only the development as permitted in an approved Development Plan.
- Policy 2-31 Development within the Naples Townsite designation may be allowed to utilize a wastewater (STP) system only if: (i) it can be demonstrated that such a system would be self contained and have no impact on ground water quality; and (ii) the system is restricted in capacity in compliance with Policy 2-30.
- Policy 2-32 Any public access stairways to the beach shall be designed in bulk, mass and scale to be subordinate to the surrounding beach, bluff and coastal area. Stairway connection to the bluff face may be allowed if the structure results in better visual integration with the site (as opposed to a free standing structure that protrudes from the bluff), and if fully effective erosion control devices are incorporated into the final design.
- Policy 2-33 New development within the Naples Townsite designation shall be encouraged to utilize sustainable design and green building techniques. Renewable energy sources such as solar and geothermal shall not be subject to the limitations of Policy 2-30 provided that all such facilities shall comply with the development standards applicable to the land on which such facilities are constructed.”

- b. Amend Figure 4-9 of the Coastal Land Use Plan to incorporate the following Naples Townsite designation appearing in attached Exhibit A. The boundaries of the Coastal Naples Townsite encompass Assessor Parcel Nos. 079-160-019, 079-160-032, 079-160-040, 079-160-041, 079-160-045, 079-160-067, 079-180-022, 079-190-001, 079-190-007, 079-150-007, 079-160-008, 079-160-011, 079-160-050, 079-160-051, 079-160-056, 079-172-001, 079-180-003, 079-150-019, 079-140-015, 079-140-016, 079-140-023, 079-140-034, 079-150-002, 079-150-006, 079-150-007, 079-150-009, 079-150-011, 079-150-015, 079-150-022, 079-150-023, 079-150-025, 079-150-026, 079-150-027, 079-150-030, 079-150-031, 079-150-032, 079-150-036 and 079-150-041.
- c. Add the following language to the end of Appendix B - Land Use Definitions:

“SPECIAL PURPOSE

Naples Townsite - In recognition of the Official Map of Naples (Official Map) adopted by the County of Santa Barbara on October 2, 1995, and the Local Coastal Plan direction of Policy 2-13 for land use at the townsite of Naples, the purpose of the Naples Townsite designation is to achieve a balance that provides for low density

residential units, public access and recreation opportunities, preservation of the scenic and rural character of the Naples area, conservation of open space and biological resources, and is compatible with the surrounding agricultural uses of the Gaviota Coast.

Consistent with Local Coastal Plan Policy 2-13, any future re-designation of parcels shown on the Official Map from agricultural to Naples Townsite shall require a feasibility study for transfer of development rights before or concurrently with the processing of an application to apply the Naples Townsite designation. The determination of feasibility shall precede the re-designation of land use to Naples Townsite and all other governmental approvals which follow. The Naples Townsite designation shall: (i) only be applied upon a determination that transferring development rights is not feasible, or if only a partial transfer of existing lots can be achieved; and (ii) be limited to parcels depicted on the Official Map.

Uses permitted within the Naples Townsite designation include single-family residential, recreation uses, agriculture, including buildings and structures incidental to light agriculture, and open space. All development within the Naples Townsite designation shall remain subordinate to the rural and agrarian character of the land, with particular attention to preserving scenic, open space and biological resources of the Gaviota Coast.”

## 2. Map Amendment.

Amend the Gaviota Coast Rural Region Map of the Coastal Land Use Plan to change the land use designation from A-II-100 to Naples Townsite (NTS) as shown on Exhibit A, attached.

- a. The boundaries of the Coastal Naples Townsite (NTS) encompass Assessor Parcel Nos. 079-160-019, 079-160-032, 079-160-040, 079-160-041, 079-160-045, 079-160-067, 079-180-022, 079-190-001, 079-190-007, 079-150-007, 079-160-008, 079-160-011, 079-160-050, 079-160-051, 079-160-056, 079-172-001, 079-180-003, 079-150-019, 079-140-015, 079-140-016, 079-140-023, 079-140-034, 079-150-002, 079-150-006, 079-150-007, 079-150-009, 079-150-011, 079-150-015, 079-150-022, 079-150-023, 079-150-025, 079-150-026, 079-150-027, 079-150-030, 079-150-031, 079-150-032, 079-150-036 and 079-150-041 shall not become effective until Coastal Land Use Plan Amendment Case No. 03GPA-00000-00006 received final certification from the California Coastal Commission.

## 3. Implementing Actions

Amend the text and map of the Land Use and Development Code by adoption of Ordinance No. 4692 concurrent herewith to create a new Naples Townsite (NTS) zone district with boundaries to coincide with the NTS land use designation.

- C. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission on the said proposed amendments in duly noticed public hearings pursuant to Section 65353 of the Government Code, and the County Planning Commission has sent their written recommendations to the Board pursuant to Section 65354 of the Government Code.

- D. This Board has held a duly noticed public hearing, as required by Section 65355 and 65856 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.
- E. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of State Planning and Zoning laws as amended to this date, and are exempt from the California Environmental Quality Act by provisions of Section 21080.5 of the Public Resources Code and Title 14, Section 15251(c) of the California Code of Regulations..

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

ATTEST:

MICHAEL F. BROWN  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS MARSHALL  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Attachment: Exhibit A

Exhibit A

