

Exhibit _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 2 OF THE SANTA BARBARA COUNTY CODE TO ESTABLISH THE NORTH COUNTY, CENTRAL COUNTY, AND SOUTH COUNTY BOARDS OF ARCHITECTURAL REVIEW

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

WHEREAS, The County Board of Architectural Review was established by Ordinance No. 1695, and the Montecito Board of Architectural Review was established by Ordinance No. 4468; and

WHEREAS, The Board of Supervisors desires to maintain architectural review in order to ensure good quality architecture compatible with community standards throughout the county, and to improve access of applicants and architects to conveniently located boards of review, by establishing North County, Central County and South County Boards of Architectural Review and maintaining the Montecito Board of Architectural Review; and

WHEREAS, the Board of Supervisors desires to evaluate the efficiency and effectiveness of regional boards of architectural review including whether limiting the number of times of review for single family dwellings better promotes the goals of achieving quality design without unnecessary intrusion of government, and declares that a two-year pilot program is necessary to adequately compare and evaluate the alternatives:

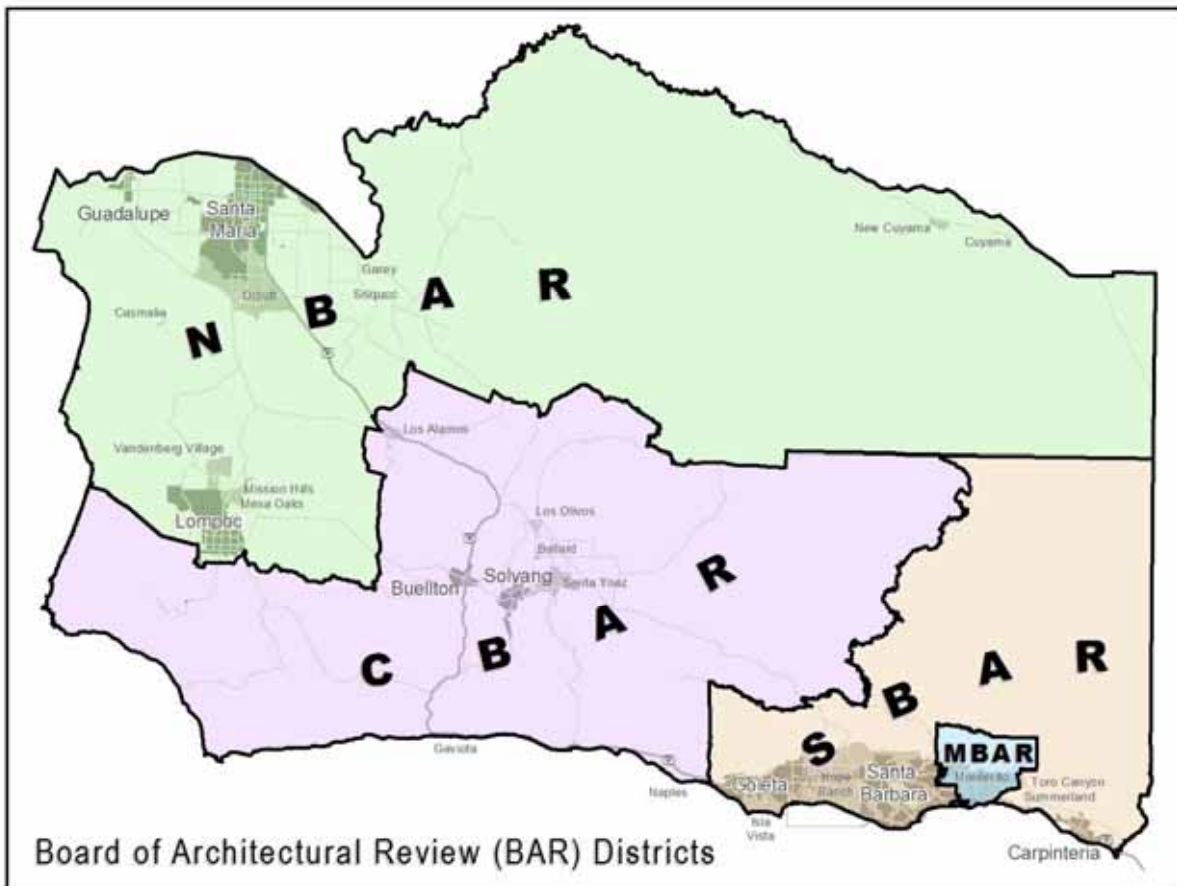
THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 2, Article V, Section 2-33.2 of the Santa Barbara County Code is amended to read as follows:

Sec. 2-33.2. North County, Central County, South County and Montecito boards of architectural review--Established.

- (a) The county board of architectural review in and for the portions of the county located north of the southern boundary of the City of Lompoc, hereinafter called the North County Board of Architectural Review or NBAR, is hereby established.
- (b) The County board of architectural review in and for portions of the County south of the City of Lompoc and west of Farren Road and north to the ridge of the mountain, hereinafter called the Central County Board of Architectural review or CBAR is hereby established.
- (c) The County board of architectural review in and for the portions of the County outside of the Montecito planning area, as designated in the Montecito community plan, and located east of Farren Road and north to the ridge of the mountain including Isla Vista, hereinafter called the South County Board of Architectural Review or SBAR, is hereby established.

- (d) The Montecito board of architectural review in and for the portion of the County located within the Montecito planning area, as designated in the Montecito community plan, hereinafter called the Montecito Board of Architectural Review or MBAR, is hereby established.
- (e) Said boards are the successor bodies to the county architectural board of review and whenever land use regulations of this county, heretofore issued, enacted, or adopted in ordinances, conditional use permits, conditions of variances, or other forms of land use regulations, refer to said architectural board of review, said references shall henceforth be read to refer to the NBAR, CBAR, SBAR or the MBAR depending on the location of the property subject to the land use regulation.
- (f) The geographic boundaries of said boards are as depicted below. The original map is located in the files of the Clerk of the Board.



SECTION 2. Chapter 2, Article V, Section 2-33.3 of the Santa Barbara County Code is amended to read as follows:

Sec. 2-33.3. Same--Members; appointments; quorums.

- (a) The NBAR shall be composed of five persons, residents of the county, appointed by the fourth and fifth district supervisors and approved by the Board. The

persons need not live in the district of the appointing supervisor. Three of the persons shall be licensed architects or licensed landscape architects. These licensed members need not be residents of the County if their professional business is located within the boundaries of the NBAR. The remaining two persons may be a member of the County Planning Commission appointed by the fourth or fifth district supervisors and/or may be one or two persons, depending on whether a planning commissioner is appointed, who reside north of the southern boundary of the City of Lompoc who shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Three persons shall constitute a quorum; one member of the quorum must be either a licensed architect or a licensed landscape architect. Two alternates may be appointed, one by the fourth district supervisor and one by the fifth district supervisor and approved by the Board. The alternates shall be licensed architects, licensed landscape architects or a community member skilled in reading plans. The alternates shall be available to fulfill the requirements of a quorum.

- (b) The CBAR shall be composed of five persons, residents of the County, appointed by the third district supervisor and approved by the board of supervisors. Three of the persons shall be licensed architects or licensed landscape architects. The persons need not live in the boundaries of the CBAR. The remaining two persons may include a planning commissioner appointed by the third district supervisor and/or may be one or two persons, depending on whether a planning commissioner is appointed, who shall reside in the area south of the City of Lompoc and west of Farren Road and north to the ridge of the mountain and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Three persons shall constitute a quorum; one member of the quorum must be either a licensed architect or a licensed landscape architect. Two alternates may be appointed by the third district supervisor and approved by the Board. The alternates shall be licensed architects, licensed landscape architects or a community member skilled in reading plans. The alternates shall be available to fulfill the requirements of a quorum.
- (c) The SBAR shall be composed of seven persons, residents of the county, appointed by the first, second and third district Supervisors and approved by the Board of Supervisors pursuant to Section 2-33.4(b). Three of the persons shall be licensed architects. The persons need not live in the district of the appointing supervisor. The remaining four persons shall reside east of Farren Road and north to the ridge of the mountain, including Isla Vista, but outside the Montecito planning area, as designated in the Montecito Community Plan, and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas, and shall include, at a minimum, two licensed landscape architects. Four members shall constitute a quorum; two members of the quorum must be either a licensed architect or a licensed landscape architect.

- (d) The MBAR shall be composed of seven persons who are residents of the county. The members of the MBAR shall be appointed by the supervisor of the first supervisorial district with approval of the board of supervisors. Five of the members shall be licensed architects or licensed landscape architects. The persons need not live in the district of the appointing supervisor. The remaining two members shall reside within the Montecito planning area as designated in the Montecito community plan, and shall be skilled in reading and interpreting architectural drawings and able to judge the effects of a proposed building, structure, or sign upon the desirability, property values, and development of surrounding areas. Four persons shall constitute a quorum; two members of the quorum must be either a licensed architect or a licensed landscape architect.

SECTION 3. Chapter 2, Article V, Section 2-33.4 of the County Code is amended to read as follows

Sec. 2-33.4. Same--Term of office and reappointment of members.

- (a) All members of each BAR shall be appointed for four-year terms. Members shall serve until their successors are approved by the board of supervisors or they are removed or their term changed by a three-fifths vote of the board of supervisors. The district representative members' and planning commissioners' BAR term, other than the MBAR, shall coincide with the election years of the appointing supervisor's for that district.
- (b) The current (those sitting as of the effective date of the ordinance codified in this section) BAR members' terms may be shorter than four years in order to align the BAR members' appointments with those of the Board of Supervisors' member whose district the BAR member represents as follows:

January 2006

- 1st district: Appointments for three years for two members of SBAR;
- 2nd district Appointments for one year for three members of SBAR;
- 3rd district: Appointments for three years for two members of SBAR and five members of CBAR. Two alternates for the CBAR may be appointed by the 3rd district;
- 4th and 5th districts: Mutually agreed upon appointments for five members of NBAR, three of whom will serve for three years and two of whom will serve for one year. Two alternates may be appointed, one by the 4th district and one by the 5th district.

January 2007 Appointments for four years for five members by the 1st district for MBAR, for three members by the 2nd district for SBAR and for two member by the 5th district with the mutual agreement of the 4th district, for NBAR; [at this point the terms for the 2nd and 5th districts are aligned];

January 2009 Appointments for two members for the SBAR and five

members for the CBAR by the 3rd district and appointments for three members of the NBAR by the 4th district with the mutual agreement of the 5th district; [at this point the terms for the 3rd and 5th districts are aligned] and appointments for two members for the MBAR [the first district staggers the appointments for the MBAR without consideration of alignment] and two members for the SBAR by the 1st district [at this point the terms of these appointments are aligned];

Once this alignment has been achieved, appointments (or reappointments) shall be made every four years, with appointments (or reappointments) of the 4th and 5th districts to be mutually agreed upon by the supervisors of those districts.

SECTION 4. Chapter 2, Article V, Section 2-33.6 of the County Code is amended to read as follows:

Sec. 2-33.6. Same--Removal of members.

A member of the NBAR, the CBAR, the SBAR or the MBAR may be removed or a term may be changed by a three-fifths vote of the board of supervisors.

SECTION 5. Chapter 2, Article V, Section 2-33.7 of the County Code is amended to read as follows:

Sec. 2-33.7. Same--Compensation; reimbursement for mileage.

- (a) Members of the NBAR, the CBAR, and SBAR shall receive compensation in the amount of one hundred fifty dollars per meeting attended, whether regular or special. Members shall be reimbursed by the county of Santa Barbara for their round-trip mileage from their places of business within this county to the place of the meeting of the BAR at the rate per mile allowed to county officers and employees. Round-trip mileage for site visits shall be reimbursed at the rate per mile allowed to county officers and employees as well.
- (b) Members of the MBAR shall serve without compensation.

SECTION 6. Chapter 2, Article V, Section 2-33.8 of the County Code is amended to read as follows:

Sec. 2-33.8. Same--Officers.

The NBAR, the CBAR, the SBAR and the MBAR shall elect its chairman and vice chairman from among its voting members. A designee(s) of the director of the planning and development department shall serve as secretary of each BAR.

SECTION 7. Chapter 2, Article V, Section 2-33.9 of the County Code is amended to read as follows:

Sec. 2-33.9. Same--Voting; disqualification from voting in certain cases.

No member of the NBAR, the CBAR, SBAR or MBAR may make, participate in making, or

influence a decision on a building, structure, sign or landscape plan if he/she has a qualifying conflict of interest, unless he/she falls within a qualifying exception (as provided in Government Code §§ 87100 et. seq. (Political Reform Act) and Cal. Code of Regs. §§ 18700 et. seq.) He/she will have a conflict if the decision will have a reasonably foreseeable material financial effect on his/her economic interest. A member of the Planning Commission who is also a member of a BAR shall comply with the provisions of Government Code § 87105 upon identifying a conflict of interest or potential conflict of interest.

SECTION 8. Chapter 2, Article V, Section 2-33.10 of the County Code is amended to read as follows:

Sec. 2-33.10. Same--Adoption of rules and bylaws; records to be public.

Each BAR shall recommend rules or bylaws, not inconsistent with any provisions of these Sections 2-33.1 to 2-33.16, governing its procedure and the transaction of business. Any such BAR rules or bylaws shall be reviewed by the BAR and adopted by resolution by the board of supervisors. The secretary of the BAR shall keep a public record of the BAR's resolutions, transactions, findings, and determinations. The record of all actions of the BAR that are appealed to the county planning commission or Montecito planning commission shall be submitted to the appropriate commission in written form and shall include the reasons for the BAR's action. The bylaws of the NBAR, CBAR, SBAR and MBAR shall generally be consistent with each other.

SECTION 9. Chapter 2, Article V, Section 2-33.11 of the County Code is amended to read as follows:

Sec. 2-33.11. Same--Meetings.

The NBAR, CBAR, SBAR and MBAR shall each hold a minimum of one regular meeting each month; the bylaws may provide for more frequent regular meetings; a special meeting may be called at any time by the chairman of the BAR or by a majority of the members of the applicable BAR.

SECTION 10. Chapter 2, Article V, Section 2-33.12 of the County Code is amended to read as follows:

Sec. 2-33.12. Same--Powers and duties.

(a) North County Board of Architectural Review.

(1) (i) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located north of and including the City of Lompoc, requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals, or recommendations pursuant to subsection (3) below, have been obtained from the NBAR. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(ii) Development Plans within the jurisdiction of the Planning commission, previously approved subdivision maps requiring BAR approval and previously approved ministerial and discretionary permits requiring BAR approval in order to

mitigate visual impacts or provide for consistency with the general plan shall obtain final approval and shall not be subject to subsection (3) below.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located north of the southern boundary of the City of Lompoc that exceed fifty thousand dollars in estimated construction costs may be reviewed by the NBAR and a recommendation must be made. The decision-maker for county projects may require NBAR approval.

(3) Individual single family dwellings, not subject to (1)(ii) above, shall be reviewed by the NBAR no more than three times or for no longer than three months from the date of filing an application, whichever occurs first unless project changes or requests for a continuance initiated by the applicant require further review; the project would then go to the decision-maker. For such projects, the NBAR is advisory and therefore its decisions are not appealable. The NBAR shall seek to complete its review of all projects within its purview as expeditiously as possible.

(4) Individual single family dwellings and commercial/industrial projects, other than those in section (a)(1)(ii) above, not open to the public which cannot be viewed from public roadways or other areas of public use are exempt from review by the NBAR. Landscape screening shall not be taken into consideration when determining the view from public roadways.

(b) Central County Board of Architectural Review

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located south of the City of Lompoc and west of the City of Goleta requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals have been obtained from the CBAR. The powers and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located south of the City of Lompoc and west of the City of Goleta that exceed fifty thousand dollars in estimated construction costs may be reviewed by the CBAR and a recommendation must be made. The decision-maker for county projects may require CBAR approval.

(c) South County Board of Architectural Review.

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located east of the City of Goleta, including Isla Vista, and outside of the Montecito planning area as designated by the Montecito community plan, requiring BAR approval under Articles I through III of Chapter 35 of this Code shall not be issued by the planning and development department until final BAR approvals have been obtained from the SBAR. The powers

and duties shall also include those given to the BAR in Articles I, II and III for projects located outside of the Montecito planning area as designated by the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located east of the City of Goleta and outside of the Montecito planning area as designated by the Montecito community plan, which exceed fifty thousand dollars in estimated construction costs may be reviewed by the SBAR and a recommendation must be made. The decision-maker for county projects may require BAR approval.

(d) Montecito Board of Architectural Review.

(1) Zoning clearance, sign certificates of conformance, land use permits, or coastal development permits for any development or use located within of the Montecito planning area as designated by the Montecito community plan requiring MBAR approval under Articles I, II and IV of Chapter 35 of this Code shall not be issued by the planning and development department until final MBAR approvals have been obtained. In addition, the MBAR shall assume the powers and duties given to the BAR in Articles I, II and IV of Chapter 35 of this Code for projects located within the Montecito planning area as designated in the Montecito community plan.

(2) County projects (projects proposed by any entity governed by the board of supervisors or by an entity whose governing body is appointed by the board of supervisors) located within the Montecito planning area as designated by the Montecito community plan that exceed fifty thousand dollars in estimated construction costs may be reviewed by the MBAR and a recommendation must be made. The decision-maker for county projects may require MBAR approval.

(e) The duties of the NBAR, CBAR, the SBAR and the MBAR are to review and recommend or approve, as applicable, as submitted, recommend, disapprove or approve subject to conditions, specified changes, or additions, the exterior architecture, including landscaping as it affects the exterior architecture, of buildings, structures, and signs which are within the jurisdiction of the BAR. When requested, the NBAR, the CBAR, the SBAR or the MBAR shall also render its advice on exterior architecture of buildings, structures, and signs to the planning and development department (or Director), zoning administrator, planning commission or board of supervisors.

SECTION 11. Chapter 2, Article V, Section 2-33.13 of the County Code is amended to read as follows:

Sec. 2-33.13. Same--Application for approval and fees.

Applications for NBAR, CBAR, SBAR or MBAR recommendation or approval, as applicable, shall be filed with the Planning and Development Department. Any fee required by a resolution of the board of supervisors for an application for NBAR, CBAR, SBAR or MBAR recommendation or approval, as applicable, shall be paid as provided in the fee resolution. An application for recommendation or approval, as applicable, of a building or structure shall contain the information required under the zoning ordinances, as well as any other information deemed necessary by the Planning and Development Department. An application for

recommendation or approval, as applicable, of a sign shall contain the "required information" pursuant to the sign regulations of the county, or as deemed necessary by the planning and development department.

SECTION 12. Chapter 2, Article V, Section 2-33.14 of the County Code is amended to read as follows:

Sec. 2-33.14. Same--Aspects considered in review.

The NBAR, the CBAR, the SBAR and the MBAR, as appropriate, shall review the project for conformity with the purpose of these Sections 2-33.1 through 2-33.16, and the applicable comprehensive plan policies and zoning regulations. The BAR's review shall include:

- (a) Height, bulk, and area of buildings and structures;
- (b) Colors and types of building materials and application;
- (c) Physical and architectural relation with existing and proposed structures on the same site and in the immediately affected surrounding area;
- (d) Site layout, orientation, and location of buildings, and relationship with open areas and topography;
- (e) Height, materials, colors, and variations in boundary walls, fences, or screen planting;
- (f) Location and type of landscaping including, but not limited to, off-street parking areas and exposed structures on the downhill side of buildings; and
- (g) Appropriateness of sign design and exterior lighting to the site and surrounding area.

SECTION 13. Chapter 2, Article V, Section 2-33.16 of the County Code is amended to read as follows:

Sec. 2-33.16. Same--Appeals; hearings.

Decisions of a BAR are final, unless appealed pursuant to the county zoning ordinances. Appeals of decisions of the NBAR, CBAR and the SBAR shall be under the jurisdiction of the county planning commission. Appeals of decisions of the MBAR shall be under the jurisdiction of the Montecito planning commission.

SECTION 14. This ordinance shall expire on March 1, 2008 unless extended. Before March 1, 2008 the Board shall review the provisions of this ordinance relating to the effectiveness of the creation of the NBAR, the CBAR, and the SBAR including but not limited to the limited review of single family dwellings by the NBAR and may extend or modify the terms of this ordinance. If this ordinance expires pursuant to this Section 14, the amendments made by Sections 1-13 of this ordinance shall be of no effect, and the terms of the pre-existing provisions in County Code Chapter 2 Article V relating to architectural review shall be in effect. The Board of Supervisors shall provide as necessary for the composition of the membership of the County BAR.

SECTION 15. Except as amended by this ordinance, Article V of Chapter 2 of the Santa

Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 16. This ordinance shall become effective January 1, 2006; 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 _____, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

SUSAN ROSE
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

APPROVED AS TO FORM:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

STEPHEN SHANE STARK
County Counsel

By _____
Deputy Clerk

By _____
Deputy County Counsel