

ORDINANCE

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE TO IMPLEMENT THE TORO CANYON PLAN BY ADDING A NEW MT-TORO ZONE DISTRICT WITHIN DIVISION 4 (ZONING DISTRICTS), ADDING A NEW ESH-TCP OVERLAY DISTRICT WITHIN DIVISION 5 (OVERLAY DISTRICTS), AMENDING DIVISION 9 (NONCONFORMING STRUCTURES AND USES), AND ADDING A NEW DIVISION 16 (TCP- TORO CANYON PLAN OVERLAY).

CASE NO. 00-OA-006

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

SECTION 1:

DIVISION 4 (ZONING DISTRICTS) is hereby amended to add the following text:

Sec. 35-240B. MT-TORO Mountainous Area Toro Canyon Planning Area.

Sec. 35-240B.1. Purpose and Intent.

The purpose of this district is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

1. Slopes in excess of 40 percent.
2. Valleys surrounded by slopes exceeding 40 percent.
3. Isolated table land surrounded by slopes exceeding 40 percent.
4. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as watershed protection, scientific and educational study, and limited residential uses.

Sec. 35-240B.2. Processing.

No permits for development, including grading, shall be issued except in conformance with Section 35-314 (Land Use Permits).

Sec. 35-240B.3. Permitted Uses.

1. One single-family dwelling per legal lot.
2. One guest house subject to the provisions of Sec. 35-268 (General Regulations).

3. The non-commercial keeping of animals and poultry.
4. Cultivated agriculture, vineyard, or orchard when there is evidence of permitted or legal non-conforming use within the previous ten-year period.
5. Home occupations, subject to the provisions of Section 35-269 (General Regulations).
6. Accessory uses, buildings and structures that are customarily incidental to the above uses.

Sec. 35-240B.4. Uses Permitted with a Major Conditional Use Permit.

1. Low intensity recreational uses such as summer camps, public riding stables, and hunting clubs.
2. Campgrounds with minimum facilities not including accommodations for recreational vehicles.
3. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities, etc.
4. Resource dependent uses such as mining and quarrying.
5. Onshore oil development, including exploratory and production wells, pipelines, separation facilities, and their accessory uses, subject to the requirements set forth in DIVISION 8, ENERGY FACILITIES.
6. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-240B.5. Uses Permitted with a Minor Conditional Use Permit.

1. Artist's studio.
2. New cultivated agriculture, vineyard or orchard use, when there is not evidence showing that it is a permitted or legal non-conforming use within the previous ten-year period.
3. Accessory uses, buildings and structures which are customarily incidental to the above uses.

Sec. 35-240B.6. Findings Required for Conditional Use Permit.

In addition to the findings required for approval of a Conditional Use Permit in Sec. 35-315., no Conditional Use Permit shall be approved unless all of the following findings are made by the appropriate decision-maker:

1. The project does not require extensive alteration of the topography.
2. The project does not cause erosion, sedimentation, runoff, siltation, or an identified significant adverse impact to downstream water courses or water bodies.
3. The project will not cause any significant adverse effect on environmentally sensitive habitat areas, plant species, or biological resources.

Sec. 35.240B.7. Minimum Application Submittal Requirements for Conditional Use Permit.

In addition to the contents of the application required for Conditional Use Permits under Section 35-315.6, no application shall be accepted for processing unless accompanied by the following submittals:

1. A topographic map showing existing slopes, water courses, and types of vegetation on the property.
2. The location and specifications of all existing and proposed roads, terraces, and structures.
3. Application for new or expanded cultivation, orchard, or vineyard use shall include a Conservation/Grading Plan that:
 - a. is reviewed and approved by the Resource Conservation District and meets all essential specifications as determined by the Soil Conservation Service.
 - b. shows areas of 40% or greater slopes.
 - c. contains a crop production and cultivation plan for all agricultural operations to be conducted on the site, a description of mechanized equipment to be used; and for orchards and vineyards, a post-approval monitoring program.

Sec. 35-240B.8. Minimum Lot Size.

Each lot shall have a minimum gross lot area as indicated below for the symbol shown on the lot on the applicable Santa Barbara County Zoning Map.

<u>Zoning Symbol</u>	<u>Minimum Lot Size</u>
MT-TORO-40	40 acres
MT-TORO –100	100 acres
MT-TORO –320	320 acres

A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance, except for fraction lots.

Sec. 35-240B.9. Setbacks for Buildings and Structures.

Fifty (50) feet from the centerline of any street and twenty (20) feet from the lot lines of the lot of which the building or structure is located.

Sec. 35-240B.10. Height Limit.

No building or structure shall exceed a height of twenty-five (25) feet.

Sec. 35-240B.11. Minimum Distance Required Between Buildings on the Same Building Site.

Five (5) feet.

Sec. 35-240B.12. Parking.

As provided in DIVISION 6, PARKING REGULATIONS.

SECTION 2:

DIVISION 5 (OVERLAY DISTRICTS) is hereby amended to add the following text:

Sec. 35-250E. ESH-TCP Environmentally Sensitive Habitat Area–Toro Canyon.

Sec. 35-250E.1. Purpose and Intent.

Within the County of Santa Barbara there are areas which contain unique natural resources and/or sensitive species of animal or plant life. Existing and potential development and other activities may have the impact of despoiling or eliminating these resources. The purpose of this overlay district is to protect and preserve specified areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem, and which could be easily disturbed or degraded by human activities and developments. The intent of this overlay district is to ensure that any and all projects permitted in such areas are designed and carried out in a manner that will provide maximum feasible protection to sensitive habitat areas.

Sec. 35-250E.2. Applicability and District Boundaries as a Guide.

The provisions of this overlay district shall apply to any land or water areas zoned ESH-TCP on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, the regulations of this overlay district shall not apply.

Sec. 35-250E.3. Identification of Newly Documented Sensitive Habitat Areas.

If an environmentally sensitive habitat area is identified by the County on a lot or lots during review of a permit application, but such habitat area is not included in the ESH-TCP Overlay District on the applicable Santa Barbara County Zoning Map, the provisions of Sec.s 35-250E.4 through 35-250E.7 shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas and the applicable setback areas.

Sec. 35-250E.4. Effect of ESH-TCP Overlay District.

Within the ESH-TCP Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional

regulations of the ESH-TCP Overlay District before the issuance of a land use permit under Sec. 35-314. See Sec. 35-203, "Overlay District Designations and Applicability" concerning conflict between provisions of ESH-TCP and base zone district.

Sec. 35-250E.5. Processing.

1. In addition to the application requirements of the base zone district, any permit application for any development or other activity requiring a land use permit in the ESH-TCP Overlay District shall include:
 - A. A description of the flora and fauna which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant and animal species or their habitats may be found.
 - B. A delineation of all streams, rivers, water bodies, and wetlands located on the site.
 - C. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used. For areas potentially containing sensitive habitats and resources, a 1 inch to 100 feet scale color aerial photograph that is no greater than five years old shall be required within the boundaries of the parcel. The proposed area of site disturbance and any visible landmarks (e.g. roads and creeks) shall be clearly labeled.
 - D. Any other information pertinent to the particular development or other activity that might be necessary for the review of the project, as requested by the Planning and Development Department (P&D).
2. Within areas zoned with the ESH-TCP Overlay, in addition to the applicable requirements of the base zone district and Division 10 of this Article, a land use permit shall be required for the following activities:
 - A. The removal of native vegetation along 50 linear feet or more of a creek bank or removal that, when added to the previous removal of native vegetation within the affected habitat on the parcel, would total 50 or more linear feet of native vegetation along a creek bank.
 - B. Grading in excess of 50 cubic yards of cut or fill.
 - C. Except for vegetation fuel management within one hundred (100) feet of any existing structure(s):
 - i. The removal of native vegetation over an area greater than one-half acre (21,780 square feet) or that, when added to the previous removal of native vegetation within the affected habitat on the parcel, would total an area greater than one-half acre (21,780 square feet).
 - ii. Vegetation fuel management beyond 100 feet from any existing structure(s) on the property.
 - iii. The removal of any native tree greater than 6 inches in diameter measured 4.5 feet above existing grade and more than 6 feet in height, or non native

trees which are used as a habitat by Monarch Butterflies for roosting or by nesting raptors, unless Planning and Development makes at least one of the following findings:

- a. The tree is dead and is not of significant habitat value;
 - b. The tree prevents the construction of a project for which a land use permit has been issued consistent with the provisions of the ESH-TCP overlay and project redesign is not feasible;
 - c. The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Planning and Development Department may require evidence of such to be presented by a qualified individual such as an arborist or a licensed tree surgeon;
 - d. The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any non-deliberate injury so as to cause imminent danger to persons or property.
3. Except for vegetation fuel management within one hundred (100) feet of any existing structure(s), where native vegetation is proposed to be removed which exceeds 1 acre in size or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill, a minor conditional use permit shall be required.
 4. The process for delineating the exact boundary of an ESH occurs during an application for development, or other activity that requires a land use permit under this Section. Upon receipt of an application for a project within the ESH-TCP Overlay District, P&D shall determine if the proposed project is located in or within 100 feet of an environmentally sensitive habitat area by reviewing the Toro Canyon Plan ESH Map and where appropriate conducting a site visit to the parcel. If the proposed project is determined by P&D not to be located in or within 100 feet of an environmentally sensitive habitat area, the project proposed on the parcel shall not be subject to the ESH policies and development standards. If P&D determines that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area, a site inspection by the P&D biologist may be required. If P&D determines a biological report is necessary to identify the ESH, the report shall be prepared by a qualified biologist to be selected jointly by the County and the applicant. Upon completion of the site inspection, and if determined to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the biological resource regulations of the Toro Canyon Plan.
 5. If the ESH boundary determined through the process specified in Sec. 35-250E.5.4 is disputed by the applicant, further study of the potential ESH on the parcel shall be required. If P&D determines, based upon additional evidence presented by a qualified biologist, that a parcel does not contain biological resources and sensitive habitats identified as ESH in the Plan, then the project proposed on the parcel shall not be subject to the ESH policies and development standards. In the event there is disputed biological evidence, third-party review by another qualified biologist shall be required, at the expense of the applicant, before the ESH designation may be found inapplicable. If P&D determines that the preponderance of

credible evidence contained in the biological assessment(s) does not support rescinding the ESH designation or modifying the ESH boundary, the area shall remain mapped as ESH and the project shall be subject to the applicable ESH policies and development standards.

Sec. 35-250E.6. Finding Required for Permit Approval.

Prior to issuance of any permits for a project within the ESH-TCP Overlay District, a finding shall be made that the proposed project meets all applicable biological resource policies and development standards in the Toro Canyon Plan.

Sec. 35-250E.7. Conditions on Land Use Permits in ESH-TCP.

A permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure consistency with the biological resource regulations of the Toro Canyon Plan. Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the project to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit, provided that such alteration is not less restrictive than the district regulations.

SECTION 3:

Section 35-307.2 of DIVISION 9 (NONCONFORMING STRUCTURES AND USES) is hereby amended to add a new subsection d, and to resequence existing subsections d & e as subsections e & f, to read as follows:

- d. Notwithstanding the above, additional specific provisions exist in Section 35-355 of Division 16 (Toro Canyon Plan Overlay District) for parcels identified within the TCP Overlay zone which, in the case of conflict, shall take precedence over this Section.
- e. The restoration or reconstruction permitted above shall commence within twenty-four (24) months of the time of damage and be diligently carried to completion. If the restoration or reconstruction of such building or structure does not commence within twenty-four (24) months it shall not be restored except in conformity with the applicable zone district regulations and other provisions of this Article.
- f. The restoration of a nonconforming building or structure that is damaged by fire, flood, earthquake or other natural disaster shall be exempt from the permit requirements of this Section only if the building or structure complies with the provisions of this Article and if the building or structure conforms to the specifications documented to exist prior to the damage as determined by the Planning and Development Department. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed or the footprint of the building or structure is relocated, the restored structure shall be subject to the provisions of Section 35-329. Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). If the building or structure is proposed to be altered from the original specifications, as determined by the

Planning and Development Department, the restoration shall be subject to all applicable permit requirements of this Article.

SECTION 4:

DIVISION 16, TORO CANYON (TCP) PLAN OVERLAY DISTRICT, of Article III of Chapter 35 of the Santa Barbara County Code is hereby added as follows:

Sec. 35-355. General

The provisions of this Division implement portions of Toro Canyon Plan components of the County's General Plan and serve to carry out certain policies of this Plan. The provisions of this Division are in addition to the other provisions of this Article. Where provisions of this Division conflict with other provisions of this Article, the specific provisions of this Division shall take precedence.

Sec. 35-355.1 Applicability

The provisions of this section apply to the Toro Canyon Plan Area as defined by the "Toro Canyon Plan Land Use Map." All provisions of the Toro Canyon Plan and applicable portions of the Comprehensive Plan, including all applicable goals, objectives, policies, actions, development standards and design guidelines, shall also apply to the area zoned with the TCP Overlay District.

Sec. 35-355.2 Findings

In addition to the findings that are required for approval of a development project (as development is defined in this Article), as identified in each section of Division 10 - Permit Procedures of Article III, a finding shall also be made that the project meets all applicable policies and development standards included in the Toro Canyon Plan.

Sec. 35-355.3 Nonconforming Structures and Uses

1. Nonconforming residential structures damaged or destroyed by calamity: Any nonconforming residential structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, "residential structure" shall mean primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage existed, one detached private garage structure may be included provided that evidence of such structure's use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction shall commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the

expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

2. Residential structures that are nonconforming solely due to the Toro Canyon Plan: Any residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “residential structure” shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.

3. Expansion of nonconforming residential structures located within Environmentally Sensitive Habitats (ESH) areas or ESH buffer areas: Any residential structure that is nonconforming solely due to its location within an ESH area or ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with DevStds BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, “residential structure” shall include primary dwellings, secondary dwellings including Residential Second Units, guest houses, farm employee dwellings, and all attached appurtenances such as garages and storage rooms that share at least one common wall with the residential structure. Where no attached garage exists, one detached private garage structure may be included provided that evidence of such structure’s use as a private garage is presented to the satisfaction of the Zoning Administrator.

4. Nonconforming agricultural support structures: Any nonconforming agricultural support structure that is damaged or destroyed by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property. Any such reconstruction shall

commence within twenty-four (24) months of the time of damage or destruction and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

5. Agricultural support structures that are nonconforming solely due to the Toro Canyon Plan: Any agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Toro Canyon Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot, may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally zoned property. Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of the owner’s first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction or structural repair permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed or repaired except in conformity with the regulations of the Toro Canyon Plan and this Article.
6. Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat (ESH) areas or ESH buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an ESH area or ESH buffer area may be expanded upward, or outward and away from the ESH area, consistent with Development Standards BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan and in a manner that otherwise conforms with the regulations of the Toro Canyon Plan and this Article. For the purpose of this section, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property.
7. Nonconforming nonresidential structures: Any nonconforming nonresidential structure that is damaged or destroyed to an extent of seventy-five percent (75%) or more of its replacement cost at the time of damage by fire, flood, earthquake, arson, vandalism, or other calamity beyond the control of the property owner(s) may be reconstructed, provided that such reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent feasible. In addition, any nonconforming nonresidential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear such as structural pest damage or dry rot may be repaired or reconstructed, provided that such repair or reconstruction conforms with the regulations of the Toro Canyon Plan and this Article to the maximum extent

feasible. Such a structure may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that:

- i. The Zoning Administrator finds that the public health and safety will not be jeopardized in any way by such reconstruction or structural repair; and
- ii. The Zoning Administrator finds that the adverse impact upon the neighborhood would be less than the hardship that would be suffered by the owner(s) of the structure should reconstruction or structural repair of the nonconforming structure be denied.

Any such reconstruction or structural repair shall commence within twenty-four (24) months of the time of damage or destruction, or the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried to completion. The twenty-four (24) month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration of the twenty-four (24) month period. Where the reconstruction permitted above does not commence within the specified twenty-four (24) months or the extended time period that may be granted by the Director, such structure shall not be reconstructed except in conformity with the regulations of the Toro Canyon Plan and this Article.

8. Expansion of certain nonconforming structures located within front, rear, or side yard setback areas: Any structure that is nonconforming solely due to its location within a front, rear, or side yard setback area, due to any increase in such setback area that resulted from a change of zoning adopted with the Toro Canyon Plan, may be enlarged or expanded in a manner that does not further encroach into any such setback area and that otherwise conforms with the regulations of the Toro Canyon Plan and this Article.
9. Nonconforming uses: The replacement or re-establishment of nonconforming uses is subject to the regulations of the Toro Canyon Plan and this Article only to the extent that some type of permit may be required by this Article. Any such permit may be approved only in conformance with the regulations of the Toro Canyon Plan and this Article.

Sec. 35-355.4 Architectural Review Standards

1. Residential structures shall not exceed a height of 25' unless further restricted by other sections of the Zoning Ordinances (such as the Ridgeline and Hillside Development Guidelines).
2. Notice of a project's initial BAR hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the BAR hearing, using for this purpose the name and address of such owners and occupants as shown on the current Assessor's tax rolls of the County of Santa Barbara.
3. The following criteria shall be applied for the approval of any non-agricultural structure(s) by Planning and Development (P&D) and the Board of Architectural Review (BAR).

- A. Where height exemptions under Ridgeline and Hillside Development Guidelines are allowed for rural properties, BAR minutes and the P&D project file shall include a written discussion of how the project meets the applicable exemption criteria.
- B. Large understories and exposed retaining walls shall be minimized.
- C. Building rake and ridgeline shall conform to or reflect the surrounding terrain.
- D. Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.
- E. The exterior surfaces of structures, including water tanks, walls and fences, shall be non-reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non-reflective.
- F. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
- G. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.
- H. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure 35-355.1 Examples A and D) or the natural toe of the lowest cut slope (see Figure 35-355.1 Examples B and C) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed sixteen (16) vertical feet.
- I. The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure 35-355.1.)

Upon recommendation by BAR, P&D may grant exemptions to criteria H and I if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design and 3) minimizes visual or aesthetic impacts.

SECTION 5:

Except as amended by this ordinance Division 4 and Division 5 of Article III of Chapter 35, of the Code of the County of Santa Barbara, California, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, 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 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 25th day of February, 2002, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GAIL MARSHALL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel