

Mission Canyon Community Plan

Case Nos. 13GPA-00000-00008, 11GPA-00000-00005, 11GPA-00000-00006, 11ORD-00000-00032, and
11RZN-00000-00004

Attachment 8: Ordinance – Land Use and Development Code Amendments

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ORDINANCE NO. _____

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 35.14, ZONING MAP, ARTICLE 35.20, DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS, ARTICLE 35.23, RESIDENTIAL ZONES, ARTICLE 35.26, SPECIAL PURPOSE ZONES, ARTICLE 35.28, OVERLAY ZONES, ARTICLE 35.30, STANDARDS FOR ALL DEVELOPMENT AND LAND USES, ARTICLE 35.36, PARKING AND LOADING STANDARDS, ARTICLE 35.42, STANDARDS FOR SPECIFIC LAND USES, ARTICLE 35.82, PERMIT REVIEW AND DECISIONS, ARTICLE 35.101, NONCONFORMING USES, STRUCTURES, AND LOTS, ARTICLE 35.104, AMENDMENTS, AND ARTICLE 35.110, DEFINITIONS, TO IMPLEMENT NEW REGULATIONS AS PART OF THE MISSION CANYON COMMUNITY PLAN.

Case No. 11ORD-00000-00032

The Board of Supervisors of the County of Santa Barbara, State of California, 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 the Overlay Zones portion of Table 1-1 (Zones) of Section 35.14.020 (Zoning Map and Zones), of Chapter 35.12, Interpretation of Code Provisions, to read as follows:

Table 1-1 - Zones

Zone Symbol	Name of Zone	Applicable Code Chapter
Overlay Zones		
AH	Affordable Housing	35.28
ARC	Agricultural Residential Cluster	
F	Airport Approach	
CA	Carpinteria Agricultural	
D	Design Control	
ESH	Environmentally Sensitive Habitat	
ESH-GOL	Environmentally Sensitive Habitat – Goleta	
<u>ESH-MC</u>	<u>Environmentally Sensitive Habitat – Mission Canyon</u>	
ESH-TCP	Environmentally Sensitive Habitat – Toro Canyon	
FA	Flood Hazard	
GM	Growth Management	
HC	Highway 101 Corridor	
HWMF	Hazardous Waste Management Facility	
PA-OTO	Pedestrian Area – Old Town Orcutt	
RC-GOL	Riparian Corridor – Goleta	
<u>SC-MC</u>	<u>Scenic Corridor – Mission Canyon</u>	
SF	Single Family Restricted	
SD	Site Design	
VC	View Corridor	

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 the opening paragraph of Subsection B, Exempt Activities and Structures, of Section 35.20.040, Exemptions from Planning Permit Requirements, of Chapter 35.20, Development and Land Use Approval Requirements, to read as follows:

- B. Exempt activities and structures.** The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemptions) above, except if addressed by Policy OS-O-5 and Development Standards 5.1 through 5.3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, the ESH-GOL (Environmentally Sensitive Habitat-Goleta) overlay zone, the ESH-MC (Environmentally Sensitive Habitat-Mission Canyon), the RC-GOL (Riparian Corridor-Goleta) overlay zone and the ESH overlay zone within the Coastal Zone.

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 2-11 - Residential Zones Development Standards, of Section 35.23.050 (Residential Zones Development Standards), of Chapter 35.23, Residential Zones, to read as follows:

Table 2-11 – Residential Zones Development Standards

Development Feature	Requirement by Zone		
	RR & RR (CZ) Rural Residential	R-1/E-1 & R-1/E-1 (CZ) Single Family Residential	EX-1 & EX-1 (CZ) One-Family Exclusive Residential
Residential density	<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	One one-family dwelling per lot; plus one second unit where allowed in compliance with Section 35.42.230 (Residential Second Units); Farm employee units if allowed by Section 35.23.030 (Residential Zones Allowable Land Uses).		
	The lot shall also comply with Section 35.23.040 (Residential Zones Lot Standards), as applicable.		
Setbacks	<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	50 ft from road centerline and 20 ft from right-of-way, or 20 ft from private easement serving 5 or more lots. Lot within SC-MC overlay – as required by Section 35.28.175 (SC-MC overlay)		75 ft from road centerline; 125 ft from centerline of road with right-of-way of 80 ft or more.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. Lot within SC-MC overlay – as required by Section 35.28.175 (SC-MC overlay).		
Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.	10% of lot width; except where zoned for minimum lot area of: 2 acre or less - 5 ft minimum, 10 ft maximum required; 3 acre or more – 10 ft minimum , 20 ft maximum required.	25 ft; see Section 35.23.070 (EX-1 Zone Standards) for a lot less than 150 ft wide.

Rear Accessory structures Building separation	20 ft; 25 ft on a lot of less than 1 acre.	25 ft; 15 ft if rear abuts permanent open space or a street without access.	25 ft.
	See Section 35.42.020 (Accessory Structures and Uses).		
	None, except as required by Building Code.	5 ft between a dwelling or guesthouse, and another detached structure; otherwise none, except as required by Building Code..	
Height limit	<i>Maximum allowable height of structures except where a lesser height is required by design review or other provisions of this Development Code. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>		
Maximum height	35 ft. Toro Canyon Plan Area - 25 ft for a residential structure.	Coastal - 25 ft. Inland - 35 ft. Toro Canyon Plan area - 25 ft for a residential structure.	Coastal Zone - 25 ft. Inland - 30 ft.
Landscaping	See Chapter 35.34 (Landscaping Standards)		
Parking	See Chapter 35.36 (Parking and Loading Standards)		
Signs	See Chapter 35.38 (Sign Standards)		

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 2-24 - Special Purpose Zones Development Standards, of Section 35.26.040 (Special Purpose Zones Development Standards), of Chapter 35.26, Special Purpose Zones, to read as follows:

Table 2-24 – Special Purpose Zones Development Standards (continued)

Development Feature	Requirement by Zone	
	REC & REC (CZ) Recreation	TC (CZ) Transportation Corridor
Minimum lot size	<i>Maximum area for lots proposed in new subdivisions.</i>	
Area	1 acre.	None.
Residential density	<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	1 caretaker dwelling.	None allowed.
Setbacks	<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	Coastal – 10 ft. Inland – 50 ft. from road centerline, and 20 ft. from right-of-way. <u>Lot within SC-MC overlay – as required by Section 35.28.175 (SC-MC overlay)</u>	10 ft. where lot abuts another zone; except that no setback is required for fences, walls, utility poles unless would interfere with ingress and egress.
Front - Secondary	Lot width less than 100 ft - 20% of lot width, 10 ft minimum; Lot width 100 ft or more - Same as primary front setback. <u>Lot within SC-MC overlay – as required by Section 35.28.175 (SC-MC overlay)</u>	
Side	Coastal – 10 ft. Inland – 10 ft; 25 ft on a lot abutting a residential zone.	Same as front.
Rear	Coastal – 10 ft. Inland – 10 ft; 25 ft on a lot abutting a residential zone.	Same as front.
Building separation	See Section 35.30.150 (Setback Requirements and Exceptions) if the rear of a site abuts an alley. None, except as required by Building Code.	
Site coverage	<i>Maximum percentage of net site area covered by structures.</i>	

Maximum coverage	Coastal Zone – 10% Inland – 20%	None.
Height limit	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
Maximum height	25 ft.	25 ft, except for bridges and related equipment, and any structural clearance required by safety or other standards required by State or Federal law.
Landscaping	See Chapter 35.34 (Landscaping Standards)	
Parking	See Chapter 35.36 (Parking and Loading Standards)	
Signs	See Chapter 35.38 (Sign Standards)	

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 Chapter 35.28, Overlay Zones, Section 35.28.100 - Environmentally Sensitive Habitat Overlay Zone, to read as follows:

35.28.100 - Environmentally Sensitive Habitat Area-~~Goleta (ESH-GOL)~~ Overlay Zone

A. Purpose and Intent. The Environmentally Sensitive Habitat Area —~~Goleta (ESH-GOL)~~ (ESH) overlay zone is applied to areas with unique natural resources and/or sensitive animal or plant species, and/or their habitats, where existing and potential development and other activities may despoil or eliminate the resource. This overlay is intended to:

1. Protect and preserve specified areas in which plant or animal species ~~and/or~~ their habitats are either rare, or ~~have special value~~ especially valuable because of their role in the ecosystem, and ~~which that~~ could be easily disturbed or degraded by human activities and developments; and
2. Ensure that each project permitted in the overlay zone is designed and carried out in a manner that will provide the maximum feasible protection to sensitive habitat areas.

B. Applicability. ~~The ESH-GOL overlay may only be applied in the Inland area. The provisions of this overlay zone shall apply to any area designated as ESH-GOL on the applicable Santa Barbara County Zone Overlay Map.~~

- ~~1. **Determination of applicability.** If a particular lot or lots within an ESH-GOL overlay zone are determined by the Department not to contain the pertinent species or habitat, the regulations of this overlay zone shall not apply.~~
- ~~2. **Relationship to primary zone.** Each land use and proposed development within the ESH-GOL overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.~~

1. The Environmentally Sensitive Habitat Area overlay zone is applied to areas within the Goleta Community Plan, the Mission Canyon Community Plan, and the Toro Canyon Plan areas. The requirements of this Section shall apply to:

- a. Areas within the Goleta Community Plan designated as ESH-GOL on the Zoning Map.
- b. Areas within the Mission Canyon Community Plan designated as ESH-MC on

the Zoning Map.

- c. Areas within the Toro Canyon Plan designated as ESH-TCP on the Zoning Map.
2. **Relationship to primary zone.** Each land use and proposed development on property designated as ESH-GOL, ESH-MC or ESH-TCP shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
 - a. **Additional requirements.** The biological resource policies and development standards in the Toro Canyon Plan shall apply to any area designated as ESH-TCP in addition to the requirements of this Section unless it is determined that the project is not located in or within 100 feet of an environmentally sensitive habitat area in compliance with Subsection B.4.b, below.
3. **Overlay zone boundary.** The Zoning Map, and the process described in Subsection B.4 (Boundary determination), below, shall guide determining whether the requirements of this Section apply to any area designated as ESH-GOL, ESH-MC or ESH-TCP.
4. **Environmentally sensitive habitat area boundary determination.** The determination of the boundary of an environmentally sensitive habitat area shall occur during permit application review.
 - a. **ESH-GOL.**
 - (1) The requirements of this Section shall not apply to an application for a project if the Director determines that the proposed development is not located in an environmentally sensitive habitat area.
 - (2) A site inspection shall be conducted, if determined to be necessary by the Director, if the Director determines that the proposed development is located in an environmentally sensitive habitat area.
 - (a) If the Director determines that a site inspection is required, then the site inspection shall be performed by a qualified biologist to be selected jointly by the Department and the applicant.
 - b. **ESH-MC and ESH-TCP.**
 - (1) The requirements of this Section shall not apply to an application for a project if the Director determines, following a review of the Mission Canyon Community Plan Environmentally Sensitive Habitat Map or the Toro Canyon Environmentally Sensitive Habitat Map, as applicable, and, where appropriate, by conducting a site visit, that the proposed project is not located in or within 100 feet of an environmentally sensitive habitat area.
 - (a) **Toro Canyon Plan area.** The project shall also not be subject to the biological resources policies and development standards in the Toro Canyon Plan if the project is determined by the Director to not be located in or within 100 feet of an environmentally sensitive habitat area.

(2) Site inspection and biological report. A site inspection by the Department biologist may be required if the Director determines that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area.

(a) The Director may determine that the preparation of a biological report by a qualified biologist to be selected jointly by the Department and the applicant is required in order to identify the environmentally sensitive habitat area.

(b) The determination by the Director that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area is final and not subject to appeal in compliance with Section 35.102 (Appeals); however, the determination may be disputed by the applicant in compliance with Subsection B.4.c (Dispute resolution, ESH-MC and ESH-TCP), below.

c. Dispute resolution, ESH-MC and ESH-TCP. On lots designated as ESH-MC or ESH-TCP, if the determination by the Director that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area is disputed by the applicant then additional study of the potential environmentally sensitive habitat on the site shall be required.

(1) If the Director determines, based upon additional evidence presented by a qualified biologist, that a site does not contain biological resources and sensitive habitats identified as environmentally sensitive habitats in the Mission Canyon Community Plan or the Toro Canyon Plan, as applicable, the proposed project on the lot shall not be subject to the requirements of this Section.

(2) 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 environmentally sensitive habitat designation may be found inapplicable. If the Director determines that the preponderance of credible evidence in a biological assessment does not support rescinding the environmentally sensitive habitat designation or modifying the environmentally sensitive habitat boundary, the area shall remain mapped as environmentally sensitive habitat and the project shall comply with all applicable requirements of this Section.

(a) This decision by the Director is subject to appeal in compliance with Section 35.102 (Appeals).

5. Identification of newly documented environmentally sensitive habitat areas, ESH-MC and ESH-TCP. On lots located within the Mission Canyon Community Plan Area or the Toro Canyon Plan Area, if an environmentally sensitive habitat area is identified by the Department to be located on-site during permit application review, but the habitat area is not designated as ESH-MC or ESH-TCP, the provisions of Subsections C. through E., below, shall apply. The Department will periodically update the Zoning Map to apply the ESH-TCP or the ESH-MC overlay zone to the

new habitat areas and applicable setback areas.

C. Permit and processing requirements, ESH-GOL. The following permit and processing requirements shall apply to lots zoned ESH-GOL.

- 1. Land Use Permit requirement.** For development proposed within an area subject to this Section, the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for the following, in addition to those required to have a Land Use Permit by the primary zone.
 - a. The removal of vegetation from an area greater than 5,000 square feet.
 - b. The removal of a significant amount of vegetation along 50 linear feet of creek bank.
 - c. The removal of vegetation that, when added to the previous removal of vegetation within the affected habitat, would total more than 5,000 square feet, or longer than 50 linear feet of vegetation along a creek bank.
 - d. Grading in excess of 50 cubic yards of cut or fill.
 - e. The removal of any native tree greater than six inches in diameter measured four feet above existing grade, or more than six feet in height, or non-native trees that are used as habitat by the Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (1) The tree is dead and is not of significant habitat value.
 - (2) The trees prevent the construction of a project for which a Land Use Permit has been issued in compliance with Section 35.82.110 (Land Use Permits) and this Section, and project redesign is not feasible.
 - (3) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person.
 - (4) The tree is so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property.
- 2. Minor Conditional Use Permit requirement.** A Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) is required where a significant amount of vegetation is proposed to be removed which would exceed one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.
- ~~**3. Boundary determination and effect of determination.** If, upon receipt of an application for development within the ESH-GOL overlay zone, the Director determines that the proposed development is not located in an environmentally sensitive habitat area, the requirements of this Section shall not apply. If the Director determines that the proposed development is located in an environmentally sensitive habitat area, a site inspection shall be required, if the Director determines it necessary, by a qualified biologist to be selected jointly by the Department and the~~

~~applicant. Upon completion of the site inspection, and if determined by the review authority 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 habitat, goals, objectives, policies, development standards, and actions of the Goleta Community Plan.~~

~~**D. Application requirements.** An application for a Land Use Permit (Section 35.82.110) for development with an ESH-GOL overlay zone shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).~~

~~**E. 3. Findings required for permit approval.** Prior to issuance of any permit for a project within the located on property designated as ESH-GOL overlay zone the review authority shall first find that the proposed development is consistent with all applicable biological goals, objectives, policies, actions and development standards of the Goleta Community Plan, in addition to all other findings required by this Development Code for permit approval.~~

~~**F. 4. Conditions of approval.** A permit may be approved and/or issued subject to compliance with conditions of approval that the review authority determines are to be necessary to protect the environmentally sensitive habitat area and to ensure consistency with habitat protection provisions the biological habitat, goals, objectives, policies, development standards, and actions of the Goleta Community Plan.~~

~~1. a. The 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 development to ensure protection of the habitat.~~

~~2. b. The conditions may also include deed restrictions and easements for resource protection. Any regulation of the primary base zone specifying building height limit, distance between buildings, setback, yard, parking, building coverage and landscaping or screening requirements may be altered by express conditions in the permit to achieve the purposes of this overlay zone.~~

D. Permit and processing requirements, ESH-MC. The following permit and processing requirements shall apply to lots zoned ESH-MC.

1. Land Use Permit requirement.

a. The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for the following activities unless the activity is determined to be exempt from a Land Use Permit in compliance with Subsection D.1.b (Land Use Permit exemptions), below.

(1) The removal of any native tree (as listed in Mission Canyon Community Plan Policy BIO-MC-6) greater than six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above ground level (or as measured from the uphill side where sloped), unless the Director makes one or more the following findings, based on evidence submitted by an arborist or biologist approved by the Department:

- (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 in compliance with Section 35.82.110 (Land Use Permits) and this Section, and project redesign is not feasible.
- (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity.
- (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.

- (2) The removal of native vegetation within the stream or creek buffer defined as 50 feet or greater from the geologic top of bank of any stream or creek.

b. Land Use Permit exemptions. The permit requirements in Subsection D.1.a, above, do not apply to the following activities, unless the activity occurs in conjunction with the processing of another application for development that requires a Land Use Permit:

- (1) Removal of immature native trees (as listed in Mission Canyon Community Plan Policy BIO-MC-6).
- (2) Removal of loose leaves, branches, and other surface debris from the soil surface.
- (3) Removal of non-native or invasive species (as listed on the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory Database).
- (4) Removal of understory vegetation in non-riparian oak woodland or forest area if located within the minimum Defensible Space area. This exemption applies to Defensible Space from permitted and nonconforming structures.
- (5) Limbing of mature trees for fuel modification for Defensible Space.
- (6) Thinning or mowing of vegetation (except mature native trees) as required to meet fuel modification criteria and leaving the roots intact, provided no sensitive species are destroyed.

2. Minor Conditional Use Permit requirement. The issuance of a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) shall be required for the following activities.

- a. Removal of native vegetation for a distance of 500 linear feet or more along a creek.
- b. Removal of one acre or more of vegetation within an oak woodland or forest habitat outside of the minimum area required for Defensible Space.
- c. Grading in excess of 1,500 cubic yards of cut and fill.

3. Fuel modification for Defensible Space - Mission Canyon Community Plan area. In the Mission Canyon Community Plan area, fuel modification for Defensible Space associated with applications submitted in compliance with Subsections D.1 and D.2, above, for new dwelling units, or additions to dwelling units, either individually or

combined, which are greater than 50 percent of the gross floor area of the dwelling as it existed on [effective date of this ordinance], shall be subject to the following:

- a. If a biological report is determined to be necessary by the Director, in compliance with Subsection B.4 (Boundary determination), above, the report shall describe the boundaries and fuel modification measures to be used to create defensible space for existing and proposed structures located within the environmentally sensitive habitat area.
- b. Plans for fuel modification shall be reviewed by a qualified biologist, in consultation with County Fire Department, and shall contain measures to ensure that the habitat's structural integrity (e.g., stable stream banks, tree canopies for shade, adequate ground cover for erosion control and wildlife cover) and ecological functions (e.g., maintenance of water quality) that physically support species are maintained.

4. Findings required for permit approval. Prior to approval of any permit for a project within the ESH-MC overlay zone, the review authority shall first find, in addition to other findings required by this Development Code, that the proposed project complies with all applicable biological resource policies and development standards in the Mission Canyon Community Plan.

5. Conditions of approval. A permit shall be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area consistent with the biological resource policies and development standards of the Mission Canyon Community Plan.

- a. The conditions may 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.

E. Permit and processing requirements, ESH-TCP. The following permit and processing requirements shall apply to lots zoned ESH-TCP.

1. Land Use Permit requirement.

- a. The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for the following activities unless the activity is directly related to an agricultural use on a lot with an agricultural zone designation.
 - (1) *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 site, would total 50 or more linear feet of native vegetation along a creek bank.*
 - (2) *Grading in excess of 50 cubic yards of cut or fill.*
 - (3) *Except for vegetation fuel management within 100 feet of an existing structure:*

- (a) The removal of native vegetation over an area greater than 21,780 square feet (one-half acre) or that, when added to the previous removal of native vegetation within the affected habitat on the lot, would total an area greater than 21,780 square feet.
 - (4) Vegetation fuel management beyond 100 feet from any existing structure on the property.
 - (5) The removal of any native tree greater than six inches in diameter measured 4.5 feet above existing grade and more than six feet in height, or non-native trees that are used as a habitat by Monarch Butterflies for roosting, or by nesting raptors, unless the Department makes one or more of the following findings:
 - (a) The tree is dead and is not of significant habitat value; or
 - (b) The tree prevents the construction of a project for which a Land Use Permit has been issued in compliance with Section 35.82.110 (Land Use Permits) and this Section, and project redesign is not feasible; or
 - (c) The tree is diseased and poses a danger to healthy trees in the immediate vicinity. The Department may require evidence of this to be presented by an arborist, licensed tree surgeon, or other qualified person; or
 - (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.
- 2. **Minor Conditional Use Permit requirement.** Except for vegetation fuel management within 100 feet of an existing structure, the approval of a Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) shall be required where native vegetation is proposed to be removed from more than one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.
- 3. **Finding required for permit approval.** Prior to approval of any permit for a project within the ESH-TCP overlay zone, the review authority shall first find, in addition to other findings required by this Development Code, that the proposed project complies with all applicable biological resource policies and development standards in the Toro Canyon Plan.
- 4. **Conditions of approval.** A permit shall be approved and/or issued subject to compliance with conditions of approval that the review authority determines to be necessary to protect the environmentally sensitive habitat area to the maximum extent feasible consistent with the biological resource policies and development standards of the Toro Canyon Plan.
 - a. The 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.

- b. The conditions may also include deed restrictions and conservation and resource easements. Any regulation of the primary zone, except permitted or conditionally permitted uses, may be altered by express conditions in the permit, to achieve the purposes of this overlay zone, provided that the alteration is not less restrictive than the regulations of the primary zone.

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 Chapter 35.28, Overlay Zones, to delete existing Section 35.28.110 - Environmentally Sensitive Habitat – Toro Canyon (ESH-TCP) Overlay Zone and reserve the number for future use.

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 35.28, Overlay Zones, by adding a new Section 35.28.175, Scenic Corridor - Mission Canyon Overlay Zone to read as follows:

35.28.175 - Scenic Corridor-Mission Canyon (SC-MC) Overlay Zone

- A. Purpose and intent.** The purpose of the Scenic Corridor-Mission Canyon (SC-MC) overlay zone is to recognize and protect the special character, history, and visual resources of the gateway entrance to Mission Canyon along Mission Canyon Road. The intent is to maintain the existing historic stone walls and deep front setbacks from Mission Canyon Road, to encourage high quality of development for new structures and alterations of existing structures, and to ensure appropriate review of projects within the context of the historic setting.
- B. Applicability.** The Scenic Corridor - Mission Canyon (SC-MC) overlay zone applies to lots located generally adjacent to Mission Canyon Road between Mountain Drive and Foothill Road (State Route 192). The provisions of the overlay zone shall apply to any area designated as SC-MC on the Zoning Map.
- 1. Relationship to primary zone.** Each proposed land use and development within the SC-MC overlay zone shall comply with this subsection in addition to all applicable requirements of the primary zone.
 - 2. Permit and processing requirements.**
 - a. Plans for each new or altered structure that requires the approval of a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) within the SC-MC overlay zone shall be submitted for Design Review in compliance with Section 35.82.070 (Design Review). The Board of Architectural Review shall review

the project plans within the context of the scenic and historical architectural setting, including Mission Santa Barbara, Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club) in conformance with Section 35.82.070.F.8. (Additional Findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone).

- b. In compliance with Section 35.30.070 (Fences and Walls), fences, gates, and walls located within 80 feet from road centerline or 55 feet from right-of-way that exceed 3.5 feet in height, and gateposts that exceed four feet in height, shall require a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

C. Development standards.

- 1. Setback requirements.** The primary and secondary front setbacks for any portion of a lot located adjacent to Mission Canyon Road shall be a minimum of 80 feet from road centerline and 55 feet from right-of-way.

- a. This setback shall be applied to new structures, additions or alterations to existing structures, or structures that are demolished and rebuilt, unless:
 - (1) The minimum setback cannot be met without projecting into an environmentally sensitive habitat area, its buffer, or a known cultural or historical resource.
 - (2) The structure is a Santa Barbara County Landmark or the Director determines the structure qualifies as historically significant per the County’s Environmental Thresholds and Guidelines Manual, and meeting the SC-MC setback would substantially diminish the quality of the resource.
 - (3) The structure is being reconstructed in compliance with Section 35.20.040.B.2.a or Section 35.101.030.B.1.
- b. Structures qualifying under Subsections C.1.a.(1), C.1.a.(2) or C.1.a.(3), above, shall be subject to the setbacks of the primary zone.

- 2. Detached Accessory Structures.** Detached accessory structures shall not be located closer than the principal dwelling to the primary and secondary front setbacks except as allowed in compliance with Section 35.30.150.D.

- 3. Fences, Gates, Gateposts and Walls.**

- a. The character of historic stone walls and gateposts (comprised of stone masonry generally constructed between 1900 and 1940) shall be preserved and restored. Incompatible materials such as metal, chain link, wood, or plastic shall not be used as an addition to or directly in front of or behind historic stone walls and gateposts.
- b. Fences, gates, gateposts, and walls shall be designed and constructed of natural materials. Except as provided below, chain link or bamboo fences, gates, or

gateposts, and plaster or stucco walls shall not be allowed within the primary and secondary front setback.

- (1) The Board of Architectural Review may grant an exception to allow plaster or stucco walls and/or alternative materials for fences, gates, and gateposts in compliance with Section 35.82.070.F.8.(d) if granting the exception would enhance and promote better structural, visual, and/or architectural design.

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 Subsection C, Height Limits and Permit Requirements, of Section 35.30.070, Fences and Walls, of Chapter 35.30, Standards for All Development and Land Uses, by amending Table 3-1 to read as follows:

Table 3-1 - Fence, Gate, Gatepost, and Wall Height and Permit Requirements in all zones Except in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1)	Coastal Development or Land Use Permit Required	Minor Conditional Use Permit Required (2)
Within required front setback	Fence, gate, or wall 6 ft. or less in height; gatepost 8 ft. or less in height (3)	Not Applicable. (4)	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:
- Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
 - 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
 - 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.
- (3) **Mission Canyon Plan area** - Within the Mission Canyon Plan area, only fences, gates, and walls 3.5 feet or less in height, and gateposts four feet or less in height, are exempt from a planning permit.

- (4) Mission Canyon Plan area - Within the Mission Canyon Plan area, fences, gates, and walls greater than 3.5 feet in height, and gateposts greater than four feet in height, require the issuance of a Land Use Permit.
-

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 Subsection C. of Section 35.30.120 (Outdoor Lighting) of Chapter 35.30, Standards for all Development and Land Uses, to read as follows:

C. Santa Ynez Valley and Mission Canyon Community Plan areas.

1. **General.** The regulations contained in this Subsection C. shall be known and referred to as the “Outdoor Lighting Regulations for the Santa Ynez Valley and Mission Canyon Community Plan areas.”
2. **Purpose and intent.** The purpose of this Subsection C. is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security and productivity. The County recognizes that the unique development patterns and environments of the Santa Ynez Valley and Mission Canyon make it an ideal area for astronomical observation and enjoyment of the nighttime sky. The County, through the provisions contained herein, intends to preserve and protect the nighttime environments of the Santa Ynez Valley and Mission Canyon by regulating unnecessary and excessive outdoor lighting.

See “Lighting” within Article 35.11 (Glossary) for definitions related to outdoor lighting used within this Chapter.

3. ~~**Definitions.** For the purposes of this Subsection C. the following words and phrases shall have the meanings respectively ascribed to them by this Subsection. The illustrations of the defined words or phrases are merely illustrative. If any conflict exists between the text of a definition and the corresponding illustration, the text shall govern.~~

~~**Directional Lighting Methods.** Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed; on the ground. Downward lighting also prevents unnecessary and unwanted spillover of light to adjacent areas and properties.~~

~~**Fossil Fuel Lighting.** Fossil fuel light produced directly by the combustion of natural gas or other utility type fossil fuels, for example: gas, propane and kerosene lighting.~~

~~**High Intensity Discharge Lamp.** High pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.~~

~~**Light Pollution.** Any artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or light trespass.~~

~~Light Trespass.~~ Artificial light that produces unnecessary and/or unwanted illumination of an adjacent property.

~~Luminous Tube Lighting.~~ Gas filled glass tubing which when subjected to high voltage becomes luminescent in a color characteristic of the gas used (neon, argon etc.).

~~Outdoor Light Fixture.~~ Artificial Illuminating Devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include but are not limited to outdoor lighting for:

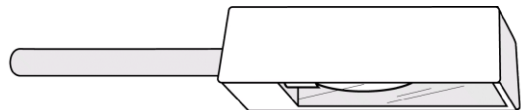
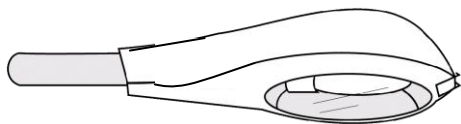
1. ~~Landscape lighting.~~
2. ~~Parking lots.~~
3. ~~Recreational facilities.~~
4. ~~Signs.~~
5. ~~Street Lighting.~~
6. ~~Structures.~~
7. ~~Walkway lighting.~~

~~Outdoor Recreation Facility.~~ An area designated for active recreation, whether publicly or privately owned, including baseball and softball diamonds, soccer and football fields, equestrian arenas, golf courses, tennis courts, skateboard ramps and swimming pools.

~~Shielding.~~ A barrier around a fixture that helps to conceal the lamp and control light distribution.

Fully Shielded (full cutoff). Outdoor light fixtures with a solid barrier that emit no light rays above the horizontal plane and effectively obscure the visibility of a lamp.

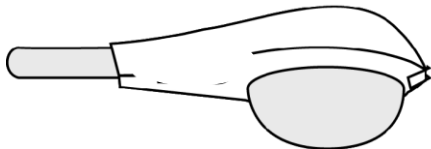
~~Fully Shielded (full cutoff) Fixtures~~



~~Partially Shielded.~~ ~~A fixture that may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.~~



~~Unshielded.~~ ~~Unshielded means light fixtures lacking any means to restrict light emitted above the horizontal plane.~~



4.3. Approved materials and methods of installation. The provisions of this Subsection are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material or method:

- a. Provides approximate equivalence to the specific requirements of this Subsection C.
- b. Is otherwise satisfactory and complies with the intent of this Subsection C.

5.4. Prohibited lights and lighting.

- a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise the following day, except that on-premises signs may be illuminated while the business is open to the public.
- b. All outside illumination ~~that is not fully shielded (full cutoff) of any building and/or surrounding landscape, public or private, for aesthetic and decorative purposes is prohibited~~ that is not fully shielded (full cutoff) shall be prohibited between 9:00 p.m. and sunrise the following day.
- c. Except for fully shielded (full cut off) lights, lighting associated with an No outdoor recreational facility ~~with lights that are not fully shielded (full cutoff) shall~~ may only be illuminated between 9:00 p.m. and sunrise the following day ~~except~~ to complete a specific organized recreational event, in progress and

under illumination in conformance with this Subsection C. ~~at 9:00 p.m. Fully shielded (full cutoff) lights are not subject to a time restriction.~~

- d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.
- e. Mercury ~~V~~vapor lights.

65. Exemptions. The following are exempt from the provision of this Subsection C.

- a. All outdoor lighting fixtures ~~existing and~~ lawfully installed prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) ordinance, are exempt from the shielding requirements of this Subsection C, however, they ~~Existing lighting fixtures~~ shall be subject to the remaining requirements of this Subsection C. 5 ~~above, requiring lights that are not fully shielded (full cutoff) be turned off at 9:00 p.m. except that~~ fully shielded (full cutoff) lights are not subject to a ~~turn-off~~ time restriction.
- b. Fossil fuel lights.
- c. Traffic control signs and devices.
- d. Street lights installed prior to the effective date of this ordinance.
- e. Temporary emergency lighting (e.g., fire, police, public works).
- f. Moving vehicle lights.
- g. Navigation lights (e.g., airports, heliports, radio/television towers).
- h. Seasonal decorations with individual lights in place no longer than 60 days.
- i. Lighting for special events as provided by Subsection C.8 (Temporary exemption).
- j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.
- k. Except as provided below, ~~S~~security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.
 - (1) Security lights shall be required to be fully shielded in order to be exempt in compliance with this Subsection.
- l. Light fixtures shown on Projects with approved construction plans ~~construction plans associated with building permits approved~~ prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) are excluded from compliance with this Subsection ~~in~~ for the initial installation only.
- m. Solar walkway lights.

76. General requirements. All ~~non-exempt~~ light fixtures ~~requiring~~ that require a County permit ~~for their~~ prior to installation shall be subject to the following general requirements:

- a. All outdoor lighting fixtures installed after the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) and thereafter maintained upon private property, public property, or within the public right-of-way shall be fully shielded (full cutoff).
- b. All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this Subsection C.
- c. Light trespass and glare shall be reduced to the maximum extent feasible through downward directional lighting methods.
- d. Externally illuminated signs, advertising displays and building identification shall use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
- e. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
- f. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.

8.7 Submittal of plans and evidence of compliance. Any application for a permit that includes ~~For any permit required by the County for work involving~~ outdoor light fixtures (except for exempt fixtures in compliance with Subsection C.65) ~~the applicant shall submit~~ shall include evidence that the proposed ~~work~~ outdoor lighting will comply with this Subsection C. The submittal application ~~shall contain~~ include:

- a. Plans showing the locations of all outdoor lighting fixtures.
- b. Description of the outdoor lighting fixtures including, ~~but not limited to~~ manufacturers catalog cuts and drawings. Description and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.

The above plans and descriptions shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection C ~~has~~ have been met.

98. Temporary exemption. The following temporary exemptions shall not be allowed within the Mission Canyon Community Plan area.

- a. The Director may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, only if ~~he first makes~~ all of the following findings are first made:
 - (1) The purpose for which the lighting is proposed is not intended to extend beyond 30 days.

- (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
- (3) The proposed lighting will comply with the general intent of this article.
- b. The application for a temporary exemption shall at a minimum include all of the following information:
 - (1) Name and address of applicant and property owner.
 - (2) Location of proposed fixtures.
 - (3) Type, wattage and lumen output of lamp(s).
 - (4) Type and shielding of proposed features.
 - (5) Intended use of lighting.
 - (6) Duration of time for requested exemption.
 - (7) The nature of the exemption.
 - (8) Such other information as the Department may request.

9. Effective date of Subsection C.

- a. **Mission Canyon Community Plan area.** The effective date of Subsection C for the Mission Canyon Community Plan area is [effective date of this ordinance].
- b. **Santa Ynez Community Plan area.** The effective date of Subsection C for the Santa Ynez Community Plan area is November 5, 2009.

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 Table 3-4 - Residential Parking Standards of Section 35.36.050 (Required Number of Spaces: Residential Uses) of Chapter 35.36, Parking and Loading Standards, to read as follows:

Table 3-4 – Residential Parking Standards

Residential	Parking Spaces Required
One-family and two-family dwellings (excluding EX-1, SR-H, SR-M & SLP zones)	2 spaces per dwelling unit (1) <u>(2)</u>
One-family located within EX-1 Zone	6 spaces per dwelling unit
Small Lot Planned Development	2 spaces per dwelling unit and 1 space per 5 lots (for storage of recreational vehicles)
Multiple dwelling units – single bedroom or studio dwelling unit (excluding SR-H & SR-M zones)	Coastal 1 covered space per dwelling unit (2) <u>(3)</u> and 1 space per 5 lots (for visitor parking) Inland 1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units – 2 bedroom (excluding SR-H & SR-M zones)	Coastal 1 covered space and .5 space (covered or uncovered) per dwelling

	unit (2) <u>(3)</u> and 1 space per 5 dwelling units (for visitor parking) Inland 1 space per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
Multiple dwelling units – 3 bedrooms or more (excluding SR-H & SR-M zones)	Coastal 1 covered space and 1 space (covered or uncovered) per dwelling unit and 1 space per 5 dwelling units (for visitor parking) Inland 2 spaces per dwelling unit and 1 space per 5 dwelling units (for visitor parking)
One-family and multiple residential unit in SR-M and SR-H zone	2 spaces per studio or bedroom (23) <u>(34)</u> <u>(45)</u>
Fraternities, sororities, dormitories and boarding and lodging houses (excluding SR-M & SR-HM zones)	1 space per 4 beds and 1 space per 2 employees
Fraternities, sororities, dormitories and boarding and lodging houses (SR-M & SR-HM zones)	2 spaces per studio or bedroom and 1 space per 2 employees
Mobile Homes – MHP zone	Coastal 1 space (covered) per site and 1 space per 3 mobile home spaces (for visitor parking) Inland 2 spaces per mobile home space and 1 space per 3 mobile home spaces (for visitor parking) and 1 space per 5 mobile home spaces (for storage of recreational vehicles)
Mobile Home – MHS zone	2 spaces per lot and 1 space per 5 lots (for storage of recreational vehicles)
Retirement and special care homes (5) <u>(6)</u>	1 space per guest room and 1 space per 2 employees
Guesthouse	1 space per guesthouse
Residential second dwelling unit	1 space per bedroom

Notes:

- (1) In the Mission Canyon Community Plan area (excluding the RR zones), a minimum of 3 spaces shall be required for:
 - (a) A new dwelling unit,
 - (b) Habitable additions to an existing dwelling unit, either individually or combined, greater than 500 square feet, or
 - (c) An addition or remodel of an existing dwelling that includes one or more new bedrooms and results in a dwelling with three or more bedrooms.
- ~~(42)~~ In the Single Family Restricted (SF) Overlay, an additional parking space shall be required for development that results in a total of more than 1,800 square feet of living space.
- ~~(23)~~ If located within a one-mile radius of the boundaries of a college or university, a minimum of 2 parking spaces shall be provided, one of which shall be covered.
- ~~(34)~~ One additional parking space shall be provided for each 80 square feet of cumulative excess area, calculated as follows:
Bedrooms, area in excess of 160 square feet per bedroom (excluding area devoted to closets)
Living room, area in excess of 400 square feet
Dining room, area in excess of 400 square feet
Total area of any room not a bathroom, kitchen, bedroom, living or dining room or a meeting room if dwelling is occupied by non-profit organization
- ~~(45)~~ Regardless of the number of bedrooms, lots of 7,500 square feet (net) require no more than 4 parking spaces provided no additional parking spaces are required due to excess area as calculated per ~~(34)~~ above.
- ~~(56)~~ Does not apply to special care homes serving 6 or fewer clients that are permitted as a one-family dwelling.

SECTION 11:

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 Subsection B.2 of Section 35.36.080 (Standards for All Zones and Uses) of Chapter 35.36, Parking and Loading Standards, to read as follows:

2. Except as provided below, Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.
 - (a) **Mission Canyon Community Plan area.** The following parking spaces shall be paved with pervious materials on a suitable base, including masonry pavers, turf blocks, or porous asphalt, unless inconsistent with Fire Department minimum structural design standards for emergency access:
 - (1) One of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 where the principal use is residential; and
 - (2) In any zone, any parking spaces that are provided in addition to parking spaces provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses) and Section 35.36.060 (Required Number of Spaces: Nonresidential Uses).

SECTION 12:

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 Subsection B.5 of Section 35.36.080 (Standards for All Zones and Uses) of Chapter 35.36, Parking and Loading Standards, to read as follows:

5. The design of parking spaces shall not require the moving of a car to gain access to a required parking space ~~unless the applicable zone regulations specifically allow tandem parking. except as follows:~~
 - a. The applicable zone regulations specifically allow tandem parking.
 - b. The lot is a residentially zoned lot located within the Mission Canyon Community Plan area and is 7,000 square feet (net) or less in size.

SECTION 13:

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 Subsection H (Location) of Section 35.36.080 (Standards for All Zones and Uses) of Chapter 35.36, Parking and Loading Standards, by adding a new Subsection H.1 (Mission Canyon Community Plan area) to read as follows:

- H. Location.** Except as provided below, off-street parking spaces shall not be located in the required front or side setback area unless specifically allowed by this Development Code. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.
 1. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, one of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 may be located within the front setback area

provided the location is approved by the Board of Architectural Review in compliance with Section 35.82.070 (Design Review).

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 Subsection E. of Section 35.42.230 (Residential Second Units), of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

E. Exclusion areas. Because of the adverse impacts on the public health, safety, and welfare, residential second units shall not be allowed in Special Problem Areas designated by the Board except as provided in Subsections E.1 or E.2 below, based upon the finding that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location, or elevation problems.

1. Within a designated Special Problem Area, an attached residential second unit may be approved within the Coastal Zone and an attached or detached residential second unit may be approved within the Inland area, if the Director can make all of the following findings:

- a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
- b. Except as provided in Subsection E.1.b.(1), below, Tthe owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as a residential second unit is maintained on the developed lot.

(1) Within the Mission Canyon Plan area, the owner shall merge the two contiguous legal lots through the recordation of a Voluntary Merger prior to issuance of the building permit for the residential second unit.

c. The vacant lot is determined to be residentially developable in compliance with the following criteria:

(1) The lot was legally created, it is not a fraction lot and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a nonresidential purpose including well sites, reservoirs, and roads.

(2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by:

(a) A letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that the service is in compliance with the company's Domestic Water Supply Permit, or

(b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.

- (3) The lot:
 - (a) Is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district, or
 - (b) Can be served by an onsite wastewater treatment system that meets all septic system requirements of the Public Health Department.
 - (4) The lot:
 - (a) Is currently served by an existing private road that meets applicable fire agency roadway standards that connects to a public road or right-of-way easement, or
 - (b) Can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - (5) The Special Problems Committee has reviewed the lot and has determined that site conditions would not cause the Committee to recommend denial of the site for residential purposes.
2. Except within the Mission Canyon Community Plan area, the Director may approve a residential second unit within a designated Special Problem Area where all the development standards in Subsection G. (Development Standards) below can be met and the project has been reviewed by the Special Problems Committee.

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 Subsection E.3. (Conditions of approval) of Section 35.42.260 (Temporary Uses and Trailers), of Chapter 35.42, Standards for Specific Land Uses, by adding a new Subsection E.3.k., to read as follows:

- 3. Conditions of approval.** The review authority shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, and welfare. Noncompliance with any conditions of approval of a permit for a temporary use shall constitute a violation of this Development Code. Conditions may include:
- a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan, including:
 - (1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
 - (2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - (3) Appropriate signage placed onsite, placed prior to the commencement of

each event, directing visitors to and indicating the location of parking areas.

- d. Regulation of noise, vibration, odors, etc.
- e. Regulation of the number, height and size of temporary structures, equipment, and signs.
- f. Limitation on the hours and days of operation.
- g. Limitation on the location where sales of goods may occur, the number of vendors, and the scope of goods to be sold.
- h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
- i. Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
- j. Obtaining a County Business License if necessary.
- k. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area on properties 5 acres or greater in size, the proposed temporary use shall require an approved Fire Protection Plan in compliance with Policy FIRE-MC-4 to avoid onsite and offsite emergency evacuation impacts.

SECTION 16:

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 I (Conditions, restrictions, and modifications), of Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), of Chapter 35.82, Permit Review and Decisions, by adding a new Subsection I.4 titled “Mission Canyon Community Plan area” to read as follows:

I. Conditions, restrictions, and modifications.

1. At the time the Conditional Use Permit is approved, or subsequent amendments or revisions are approved, the review authority may modify the applicable distance between structures, landscaping, parking except as provided within Subsection I.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas when the review authority finds that the modifications are justified and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
 - a. The parking standards of the SR-M and SR-H zones listed within Table 3-5 (Residential Parking Standards), of [Section 35.35.050 \(Required Number of Spaces: Residential Uses\)](#) and [Section 35.36.100.H \(Medium and High Density Student Residential \(SR-M and SR-H\) zones\)](#) and the parking standards of the SF overlay zone listed within [Section 35.28.180 \(Single Family Restricted \(SF\) overlay zone\)](#) and may not be modified.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent

- amendments or revisions, the review authority may impose any appropriate and reasonable conditions or require any redesign of the project as the review authority may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, peace, safety and welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Conditional Use Permit, or of any subsequent amendment or revision, the preservation of trees existing on the subject property.
 4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any Conditional Use Permit or Minor Conditional Use Permit, or of any subsequent amendments or revisions, the review authority shall require an approved Fire Protection Plan in compliance with Policy FIRE-MC-4 to avoid onsite and offsite emergency evacuation impacts.

SECTION 17:

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 B.4 of Section 35.82.070 (Design Review), of Chapter 35.82, Permit Review and Decisions, to read as follows:

4. **Summerland ~~or~~, Toro Canyon, and Mission Canyon Plan areas.** In addition to the items identified in Subsection B.2 and Subsection B.3 above, for sites located within the Summerland Community Plan area ~~or~~, the Toro Canyon Area Plan area, and the Mission Canyon Community Plan area, the provisions of this Section shall also apply to the following:
 - a. Any structure, additions to a structure, or sign.

SECTION 18:

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 F (Findings required for approval) of Section 35.82.070 (Design Review), of Chapter 35.82, Permit Review and Decisions, to read as follows:

F. Findings required for approval.

1. **Findings required for all Design Review applications.** A Design Review application shall be approved or conditionally approved only if the Board of Architectural Review first makes all of the following findings:
 - a. Overall structure shapes, as well as parts of any structure (buildings, fences, screens, signs, towers, or walls) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the subject property.
 - b. Electrical and mechanical equipment will be well integrated into the total design concept.

- c. There will be harmony of color, composition, and material on all sides of a structure.
 - d. There will be a limited number of materials on the exterior face of the structure.
 - e. There will be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
 - f. Site layout, orientation, and location of structures and signs will be in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the site.
 - g. Adequate landscaping will be provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of plantings that are appropriate to the project, and that adequate provisions have been made for maintenance of all landscaping.
 - h. Signs, including associated lighting, are well designed and will be appropriate in size and location.
 - i. The proposed development is consistent with any additional design standards as expressly adopted by the Board for a specific local area, community, or zone in compliance with Subsection G. (Local design standards) below.
- 2. Additional findings required for Design Review applications within the Coastal Zone.**
- a. Within Rural areas as designated on the Comprehensive Plan maps, the design, height, and scale of structures will be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures are subordinate in appearance to natural landforms; are designed to follow the natural contours of the landscape; and are sited so as not to intrude into the skyline as seen from public viewing places.
 - b. Within Urban and Rural Neighborhood areas as designated on the Comprehensive Plan maps, new structures will be compatible with the character and scale of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.
- 3. Additional findings required for Design Review applications within the Eastern Goleta Valley area.** Where Design Review is required in compliance with Subsection [35.28.080.E](#) (Eastern Goleta Valley), plans for new or altered structures will be in compliance with the Eastern Goleta Valley Residential Design Guidelines, as applicable. The Eastern Goleta Valley Residential Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Subsection [35.82.070.F.1.\(i\)](#).
- 4. Additional finding required for Design Review applications within the Summerland Community Plan Area.**
- a. Plans for new or altered structures will be in compliance with the Summerland Board of Architectural Review Guidelines.

5. **Additional finding required for Design Review applications within the Toro Canyon Plan Area.** All non-agricultural structures are in compliance with Subsection 35.28.210.F.3 (Development standards).
6. **Additional finding required for Design Review applications within the Los Alamos Community Plan area.** Where Design Review is required in compliance with Subsection 35.28.080.F (Los Alamos Community Plan), plans for new or altered structures will be in compliance with the Los Alamos Bell Street Design Guidelines, as applicable. The Los Alamos Bell Street Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of 35.82.070.F.1.(i).
7. **Additional findings required for Design Review applications within the Mission Canyon Community Plan area.**
 - a. Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) are in compliance with the Mission Canyon Residential Design Guidelines as applicable.
 - b. Large visible understories (greater than four feet in height) and exposed retaining walls are minimized.
 - c. Retaining walls are colored and textured (e.g., with earth tone colors and split face details) to match adjacent soils or stone, and visually softened with appropriate landscaping.
 - d. The visible portion of a retaining wall above finished grade does not exceed a height of six feet as measured from the bottom of a footing to the top of the wall. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption is necessary to allow a project that:
 - (1) Further the intent of protecting hillsides and watersheds;
 - (2) Enhances and promotes better structural and/or architectural design; and
 - (3) Minimizes visual or aesthetic impacts.
 - e. Landscaping and hardscaping located in the public right-of-way is consistent in style with the semi-rural character of Mission Canyon.
8. **Additional findings required for Design Review applications within the Scenic Corridor - Mission Canyon (SC-MC) overlay zone.**
 - a. New structures or alterations to existing structures will not impede views of, or interfere with the visual and historic character of the scenic corridor.
 - b. New structures or alterations to existing structures have been reviewed within the context of the traditional and historical architectural setting in the vicinity, including Mission Santa Barbara, the Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club). While no particular architectural style is prescribed for this area, project design should promote a smooth transition from the City of Santa Barbara’s “El Pueblo Viejo Landmark District” (around the

Mission) to Mission Canyon. In this area, high quality construction and materials for exterior finishes are used.

- c. Where a traditional Spanish architectural style is proposed that incorporates a tile roof, two-piece terra cotta (Mission “C-tile”) roof is used.
- d. New or altered fences, gates, gateposts, and walls are consistent with the architectural style of the structure, are compatible with the visual and historical character of the setting, are colored with appropriate earth tone colors to match adjacent soils or stone, are visually softened with appropriate landscaping, and make use of high quality construction and materials.

SECTION 19:

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 H. Conditions, restrictions, and modifications, of Section 35.82.080 (Development Plans), of Chapter 35.82, Permit Review and Decisions, by adding a new Subsection H.4., (Mission Canyon Community Plan area) to read as follows:

H. Conditions, restrictions, and modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the review authority may modify the distance between structures, landscaping, parking except as provided within Subsection H.1.a below, screening requirements, setbacks, structure coverage, structure height limit, or yard areas specified in the applicable zone and [Chapter 35.36 \(Parking and Loading Standards\)](#) when the review authority finds that the modification is justified.
 - a. The parking standards of the SR-M and SR-H zones listed within Table 3-5 (Residential Parking Standards), of [Section 35.36.050 \(Required Number of Spaces: Residential Uses\)](#) and [Section 35.36.100.H](#) (Medium and High Density Student Residential (SR-M and SR-H) zones) and the parking standards of the SF overlay zone listed within [Section 35.28.180 \(Single Family Restricted \(SF\) overlay zone\)](#) may not be modified.
2. As a condition of approval of any Preliminary or Final Development Plan, the review authority may impose any appropriate conditions or require any redesign of the subject project as it may deem to be reasonable and necessary in order to protect the persons or property in the neighborhood, to preserve the natural resources or scenic quality of the area, to preserve the neighborhood character, to preserve or enhance the public health, peace, safety, and general welfare, or to implement the purposes of this Development Code.
3. The review authority may require as a condition of approval of any Development Plan, the preservation of trees existing on the subject property.
4. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, as a condition of approval of any Preliminary or Final Development Plan, the review authority shall require that the Preliminary or Final Development Plan include an approved Fire Protection Plan to avoid onsite and offsite emergency

evacuation impacts.

SECTION 20:

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 f. of Subsection 3 (Allowed Modifications), of Subsection B. (Applicability) of Section 35.82.130 (Modifications), of Chapter 35.82, Permit Review and Decisions, by adding a new Subsection f. (6) to read as follows:

- f. Reduction of parking spaces.** A reduction in the required number and/or a Modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
- (1) The number of required parking spaces be reduced in the High Density Student Residential (SR-H), Medium Density Student Residential (SR-M), ~~or the~~ Single Family Restricted (SF) overlay zone.
 - (2) The required number of bicycle spaces be reduced.
 - (3) The number of spaces required for a residential second unit be reduced or allowed to be location within the required front setback area.
 - (4) Any parking or screening requirement for a vehicle with more than two axles, a recreational vehicle or bus, a trailer, or other non-passenger vehicle be modified.
 - (5) A reduction in the required number of parking spaces for development within the Summerland Community Plan Area be allowed that results in an increase in on-street parking.
 - (6) The required number of parking spaces in the Mission Canyon Community Plan area be reduced from three to two in the R-1/E-1 (Single Family Residential) zone for habitable additions to an existing dwelling unit of 500 square feet or greater or an addition or remodel that includes one or more new bedrooms and results in a dwelling with three or more bedrooms, unless:
 - (a) The reduction would preserve the integrity of a historic structure, or
 - (b) There is no space for the third parking space due to topography, lot configuration, or other physical constraints as determined by the Director. The reduction shall not be granted if the addition or remodel is proposed in a location that would be suitable for the required third parking space.

SECTION 21:

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 Subsection B.5 and Subsection B.6 of Section 35.101.030 (Nonconforming Structures), of Chapter 35.101, Nonconforming Uses, Structures, and Lots, to read as follows:

- 5. Sites within the Mission Canyon Community Plan area or the Toro Canyon Plan Area.** Notwithstanding the above, the following standards apply to nonconforming structures on lots ~~identified~~ located within the Mission Canyon Plan Community Plan area or the Toro Canyon Plan Area Plan area. In case of a conflict, the standards of this Subsection B.5 shall take precedence.

a. Inland area. The following shall apply to the repair or reconstruction of nonconforming structures located outside of the Coastal Zone.

(1) Residential structures.

- (a) A residential structure that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location.
- (b) A residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., 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.
- (c) A residential structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or BIO-TC-7.5 and BIO-TC-7.8 of the Toro Canyon Plan, and in a manner that otherwise complies with the regulations of the applicable Plan ~~Toro Canyon Plan~~ and this Development Code.
- (d) For the purpose of this Subsection, “residential structure” shall mean primary dwellings, secondary dwellings including Residential Second Units, farm employee dwellings, guesthouses, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of “residential structure” in compliance with Section 35.82.140 (Nonconforming Status and Extent of Damage Determination).

(2) Non-residential agricultural support structures.

- (a) A nonconforming agricultural support structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location.

- (b) An agricultural support structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the applicable Plan ~~Toro Canyon Plan~~, which require partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., 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.
 - (c) Expansion of nonconforming agricultural support structures located within Environmentally Sensitive Habitat areas or Environmentally Sensitive Habitat buffer areas: Any agricultural support structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standards BIO-MC-3.8 of the Mission Canyon Community Plan or 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 applicable Plan ~~Toro Canyon Plan~~ and this Development Code.
 - (d) For the purpose of this Subsection, “agricultural support structure” shall mean any structure that is essential to the support of agricultural production on agriculturally-zoned property.
- (3) **Non-residential structures, not including agricultural support structures.**
 - (a) A nonconforming non-residential structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may be reconstructed to the same or lesser size on the same site and in the same general footprint location, provided that the reconstruction complies with the regulations of the applicable Plan ~~Toro Canyon Plan~~, and this Development Code to the maximum extent feasible, and if allowed by the review authority in compliance with Section 35.82.095 (Hardship Determinations).
 - (b) A nonconforming non-residential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) 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 the repair or reconstruction conforms with the regulations of the applicable Plan ~~Toro Canyon Plan~~ and this Development Code to the maximum extent feasible and if allowed by the review authority in compliance with Section 35.82.095 (Hardship Determinations).

- (c) A structure that is nonconforming solely due to its location within a front, rear, or side setback area, due to any increase in the setback area that resulted from a change of zone adopted with the applicable Plan ~~Toro Canyon Plan~~ may be enlarged or expanded in a manner that does not further encroach into any setback area and otherwise complies with the regulations of the applicable Plan ~~Toro Canyon Plan~~ and this ~~Article~~ Development Code.

6. Reconstruction shall commence within 24 months.

- a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure shall commence within 24 months of the time of damage and be diligently carried out to completion.
- b. Within the applicable Plan area ~~Toro Canyon Plan Area~~, reconstruction or structural repair required due to normal wear and tear (e.g., structural pest damage or dry rot) as allowed above shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried out to completion.
- c. The 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 Department before the expiration of the 24-month time period.
- d. If the reconstruction or restoration of the structure does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.
 - (1) Within the the Mission Canyon Community Plan area, where the reconstruction or structural repair of a non-historic structure allowed above does not commence within the specified 24 months or the extended time period that may be granted by the Director, the structure shall not be reconstructed or repaired except in full compliance with the regulations of the Mission Canyon Community Plan.
 - (2) Within the Toro Canyon Plan Area, where the reconstruction or structural repair allowed above does not commence within the specified 24 months or the extended time period that may be granted by the Director, the structure shall not be reconstructed or repaired except in full compliance with the regulations of the Toro Canyon Plan.

SECTION 22:

ARTICLE 35.11, Glossary 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 35.110.020 (Definitions of Specialized Terms and Phrases), of Chapter 35.110, Definitions, to add new definitions of "Defensible Space," "Fire Protection Plan," "Fuel Modification," "Lighting," "Light Pollution," "Light Shielding," "Light Trespass," "Outdoor

Recreation Facility,” “Limbing,” “Mission Canyon Community Plan,” “Surface Debris,” and “Vegetation Removal” to read as follows:

Defensible Space. An area surrounding a building or structure where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment of fuel modification measures. Defensible space is required in State and Local Responsibility Areas as defined by the County Fire Department. The area of required defensible space around all buildings and structures is as required by the County Fire Department Defensible Space Standards.

Fire Protection Plan. A written plan that identifies the fire risk associated with a project and develops requirements for fire protection including but not limited to water supply, defensible space, fuel modification and vegetation management, emergency ingress and egress, access, special event parking, and resident and visitor safety.

Fuel Modification. An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration. Fuel modification includes ongoing requirements for removal of dead vegetation, litter, vegetation that might grow into overhead power lines, certain ground and ladder fuels, and limbing of live trees.

Lighting. The method or equipment used to provide artificial illumination as used in Section 35.30.120 (Outdoor Lighting) of this Development Code. Types of lighting include the following:

1. **Downward Directional Light.** Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed. Downward lighting also prevents unnecessary and unwanted spillover of light to adjacent areas and properties.
2. **Fossil Fuel Light.** Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels, for example: gas, propane and kerosene lighting.
3. **High Intensity Discharge Lamp.** High pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.
4. **Luminous Tube Light.** Gas filled glass tubing which when subjected to high voltage becomes luminescent in a color characteristic of the gas used (neon, argon, etc.).
5. **Outdoor Light Fixture.** Artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, exterior to or in the absence of a structure, used for flood lighting, general illumination or advertisement. Such devices include, but are not limited to, outdoor lighting for:

Billboards and other signs

Buildings and structures

Landscape lighting

Parking lots

Sports and Outdoor Recreational facilities

Street lighting

Walkway lighting

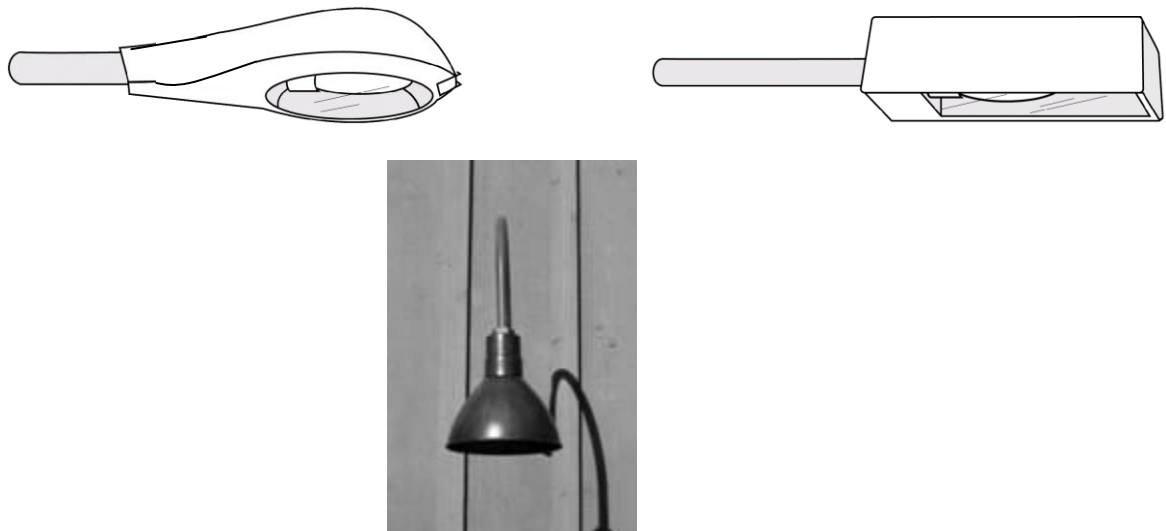
Light Pollution. Artificial light which causes a detrimental effect on the environment,

astronomical research, enjoyment of the night sky or causes undesirable glare or light trespass.

Light Shielding. A barrier around a light fixture that conceals or partially conceals the lamp and controls light distribution. Types of light shielding include the following:

- 1. Fully Shielded (full cutoff) Light:** An outdoor light fixtures with a solid barrier that emits no light rays above the horizontal plane and effectively obscures the visibility of the lamp.

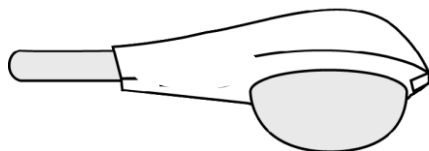
Fully Shielded (full cutoff) Light Fixtures



- 2. Partially Shielded Light.** An outdoor light fixture that may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.



- 3. Unshielded Light.** An outdoor light fixture lacking means to restrict light emitted above the horizontal plane.



Light Trespass. Artificial light that produces unnecessary and/or unwanted illumination offsite including skyward or on a sensitive habitat.

Outdoor Recreation Facility. An area designated for active recreation, whether publicly or privately owned, including baseball and softball diamonds, soccer and football fields, equestrian arenas, golf courses, tennis courts, skateboard ramps and swimming pools.

Limbing. The process of pruning the lower branches of a live tree for fuel modification in defensible space, the vertical clearance of which as specified in the County Fire Department Defensible Space Standards.

Mission Canyon Community Plan. That portion of the County located within the boundaries of the Mission Canyon Community Plan Area as shown on the adopted Mission Canyon Community Plan Land Use Map.

Surface Debris. Loose surface litter on the soil surface, normally consisting of fallen leaves, needles, twigs, bark, cones, small branches and downed logs.

Vegetation Removal. The removal of vegetation, by hand or with mechanical equipment, including the roots, such that the plant, shrub or tree is completely removed.

SECTION 23:

Except as amended by this Ordinance, Articles 35.1, 35.2, 35.3, 35.4, 35.8, 35.10 and 35.11 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 24:

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 _____, 2014, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
Michael C. Ghizzoni
County Counsel

By _____
Deputy County Counsel