



BOARD OF SUPERVISORS AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 5/20/2014
Placement: Set hearing
Estimated Time: 15 minutes (on 6/3/2014)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Assistant Director (805) 568-2086
SUBJECT: Article II Coastal Zoning Ordinance Minor Amendment

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

On May 20, 2014, set a hearing for June 3, 2014 to consider the recommendations of the County and Montecito Planning Commissions to approve Case No. 12ORD-00000-00014 which would amend the Article II Coastal Zoning Ordinance to implement new regulations and make other clarifications, corrections and revisions.

On June 3, 2014, your Board's action should include the following:

- A. Make the findings for approval, including CEQA findings, of the proposed ordinance (Attachment A);
- B. Determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment B);
- C. Approve Case No. 12ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment C); and,
- D. Adopt the attached resolution (Attachment D) and direct staff to submit the ordinance as a minor amendment to the Santa Barbara County's Local Coastal Program to the California Coastal Commission for certification.

Summary Text:

General information. The Planning and Development Department is committed to keeping the zoning ordinances accurate and up-to-date by routinely processing amendments that address emerging issues, and correct and clarify existing language, in order to better ensure that regulations keep pace with current trends and policies, as well as State law. The following amendments:

- Implement requirements of State planning and zoning law.
- Implement process improvements that were previously made to the County and Montecito Land Use and Development Codes (LUDCs) but were not made to the Article II Coastal Zoning Ordinance (Article II) due to the on-going effort at that time to replace Article II with the LUDCs.
- Revise existing procedures and requirements of Article II to be consistent with the LUDCs.
- Streamline the permit process.
- Clarify existing procedures and requirements.
- Correct errors and omissions.

This project constitutes an amendment to the County's certified Local Coastal Program and therefore is required to be submitted to the Coastal Commission for approval. This amendment will be submitted as a "minor amendment" as allowed by the California Public Resources Code Section 30514(c) and Section 13554 of Title 14 of the California Code of Regulations. These code sections provide that:

1. Minor amendments include:
 - Changes in wording which make the use as designated in the zoning ordinances, zoning maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Coastal Commission or the Coastal Commission to be consistent with the land use plan as certified by the Coastal Commission.
 - Changes in the notification and hearing procedures that are consistent with the requirements of the Coastal Act.
2. Minor amendments are not subject to the three per year limit on the number of submittals.
3. If, after review of the amendment by the Executive Director of the Coastal Commission, the Executive Director determines that the amendment qualifies as a minor amendment, then:
 - Notice of this determination is provided to known interested parties and the Executive Director reports his determination in writing to the Coastal Commission at the next meeting along with any objections to the determination that have been received.
 - If one-third of the appointed members of the Coastal Commission object to the determination, then the determination of minor amendment does not become effective and the amendment is then subject to review and hearing by the Coastal Commission

Also, as allowed by Section 13551(b) of Title 14 of the California Code of Regulations, the resolution submitting this minor amendment for certification requests that the amendment take effect immediately

upon approval by the Coastal Commission without further action by the Board of Supervisors. In this case this amendment will take effect following concurrence by the Coastal Commission with the Executive Director's determination that the amendment qualifies as a minor amendment.

The complete text of the ordinance amendment is contained in Exhibit 1 of Attachment C. In Attachment C, proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates sections where the text is unchanged and has been omitted for the sake of brevity.

The following table lists the areas of Article II that are proposed to be amended by this ordinance amendment. The ordinance amendment also includes minor corrections and language revisions that do not materially change the existing regulations and serve only clarify or correct existing language. These revisions are not listed below but are shown in Attachment C. Please refer to Section 5 (Project Description) of Attachment F (03-24-2014 County Planning Commission Staff Report) for detailed analysis of the proposed amendments.

AMENDMENT TOPIC	
Amendment required by State law	Residential second units and solar energy facilities permit process
Amendment that implements process improvements previously adopted in 2008	Waived hearings for time extensions
Amendments to existing procedures and requirements to be consistent with the County and Montecito LUDCs	Authority for land use and zoning decisions Definitions Noticing requirements Road naming and street addressing Single projects with multiple applications Zoning Clearance process
Amendment that streamlines the permit process	Concurrent processing of Coastal Development Permits with discretionary applications
Amendments that clarify existing procedures and requirements	Permit expiration and time extensions Private services

Montecito Planning Commission review. This ordinance amendment was presented to the Montecito Planning Commission at their February 19, 2014 hearing. The Montecito Planning Commission adopted Resolution 14-05 that recommends that County Planning Commission recommend that the Board of Supervisors approve the ordinance with three revisions regarding street addressing and time extensions. These revisions are described in the Section 5 (Project Description) of Attachment F (03-24-2014 County Planning Commission Staff Report).

County Planning Commission review. This ordinance amendment was presented to the County Planning Commission at their April 2, 2014 hearing. The County Planning Commission adopted Resolution 14-11 that recommends that your Board approve the ordinance with the three revisions as recommended by the Montecito Planning Commission. The County Planning Commission did not suggest any additional revisions.

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements.

Attachments:

- A. Article II CZO Findings
- B. Article II CZO CEQA Notice of Exemption
- C. Article II CZO Ordinance Amendment
- D. Resolution Submitting Ordinance Amendment for Certification
- E. County Planning Commission Resolution 14-11
- F. 03-24-2014 County Planning Commission Staff Report (w/o attachments)
- G. Montecito Planning Commission Resolution 14-05
- H. 02-05-2014 Montecito Planning Commission Staff Report (w/o attachments)

Authored by:

Noel Langle, Planner (805-568-2067)

ATTACHMENT A: ARTICLE II CZO FINDINGS

CASE NO. 12ORD-00000-00014

County Land Use & Development Code Ordinance Amendment

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1** The Board of Supervisors finds that the proposed project, 12ORD-00000-00014, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15265 and 15061(b)(3). Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance, the Board of Supervisors shall make the following findings in order to approve a text amendment to Article II:

2.1 The request is in the interests of the general community welfare.

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will revise existing permit processes to enhance clarity and efficiency, add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area, and correct and clarify existing text provisions.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the County Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by providing a clearer and more efficient permit process that will benefit both the public and staff. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the applicable Community Plans and the Coastal Land Use Plan. The proposed ordinance amendment is also consistent with the remaining portions of Article II that would not be revised by this ordinance. Therefore, this ordinance is consistent with the Comprehensive Plan including the applicable Community Plans, the Coastal Land Use Plan, the requirements of State Planning and Zoning Laws, and Article II.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will provide for clearer and more efficient permit processes and add new development standards and restrictions pertaining to specific land uses which will serve to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the applicable Community Plans, the Coastal Land Use Plan, and Article II.

ATTACHMENT B: ARTICLE II CZO CEQA NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Senior Planner
Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 12ORD-00000-00014 Article II Coastal Zoning Ordinance

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Coastal Zone.

Project Title: Article II Coastal Zoning Ordinance Minor Amendments.

Project Description: 12ORD-00000-00014 proposes to amend Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, Division 11, Permit Procedures, and Division 12, Administration, of the Santa Barbara County Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, regarding:

- **Authority for land use and zoning decisions** - Include a new table that provides in one location the decision-makers and appeal bodies for the different permit processes.
- **Concurrent processing of Coastal Development Permits with discretionary applications** - Revise the existing procedures that require the concurrent processing of a Coastal Development Permit with Conditional Use Permits, Demolition and Reclamation Permits, Final Development Plans and Modifications to specify that these procedures also apply to discretionary applications for Oil and Gas Exploration and Production Plans and Variances.
- **Definitions** - Revise the introductory paragraph of Section 35-58 (Definitions) to more consistent with the County and Montecito Land Use and Development Codes.
- **Noticing requirements** - Revise the procedures for providing public notice of projects to be more consistent with the County and Montecito Land Use and Development Codes.
- **Permit expiration and time extensions** - Clarify the existing procedures and development standards regarding permit expiration and time extensions, and add a new section that places all the procedures regarding time extensions in one location.
- **Private services** - Amends Division 8 (Services, Utilities and Other Related Facilities) to be consistent with Public Health Department terminology.
- **Residential second units and solar energy facilities permit process** - Clarify the jurisdiction and hearing and noticing requirements for applications for certain residential second units and solar energy facilities in situations where State law prohibits a discretionary review process.
- **Road naming and street addressing** - Add new procedures and development standards for naming and renaming public and private roads and addressing property.
- **Single projects with multiple applications** - Clarify the existing language regarding decision-maker jurisdiction over separate applications that involve the same project.

- **Waived hearing process** - Clarify the existing language regarding the timing of when projects, where the public hearing is proposed to be waived, are listed on the Zoning Administrator's or Montecito Planning Commission's agenda, and add new procedures to allow waived public hearings for applications for time extensions.
- **Zoning Clearance process** - Add the Zoning Clearance process and allow the use of a Zoning Clearance to act as the follow-on zoning permit to allow the commencement of construction of projects that have been permitted through a discretionary process.

Exempt Status: (Check one)

- ☐ Ministerial
☒ Statutory (Section 15265 Adoption of Coastal Plans and Programs)
☐ Categorical Exemption
☐ Emergency Project
☒ No Possibility of Significant Effect (Section 15061(b)(3))

Cite specific CEQA Guideline Section: Section 15061(b)(3) (No possibility of significant effect and Section 15265 (Adoption of Coastal Plans and Programs).

Reasons to support exemption findings:

The proposed ordinance amendment represents an amendment to the Santa Barbara County's certified Local Coastal Program. Therefore, this ordinance amendment is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265 (Adoption of Coastal Plans and Programs). This section shifts the responsibility of CEQA compliance from Santa Barbara County to the California Coastal Commission.

The proposed ordinance amendments primarily clarify existing development regulations and permit procedures and make minor text clarifications which would not result in an increase in permitted densities or modifications to resource protection policies. The proposed ordinance amendments will also revise existing permit processes to enhance efficiency, add new procedures that will enhance public noticing requirements for development projects, and correct and clarify existing text provisions. Therefore, no significant environmental impacts would occur as a result of these ordinance revisions.

Department/Division Representative _____ Date _____

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days.

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff
12ORD-00000-00014 file

ATTACHMENT C: ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, DIVISION 11, PERMIT PROCEDURES. AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 12ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57C titled "Authority for Land Use and Zoning Decisions) and to read as follows:

Section 35-57C. Authority for Land Use and Zoning Decisions.

A. Decision-maker.

1. Table 1-1 (Decision-maker Authority) below, identifies the decision-maker responsible for reviewing and making decisions on each type of application required by this Article.
2. Any reference to the Board of Architectural Review shall refer to the Design Review body with jurisdiction in compliance with Section 35-184 (Board of Architectural Review).

B. Applications subject to more than one decision-maker.

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one decision-maker in compliance with Table 1-1 (Decision-maker Authority) below, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Commission;
 - c. Zoning Administrator and;
 - d. Director.
2. If the Board is the decision-maker for a project due to a companion discretionary application (e.g., Coastal Land Use Plan amendment, Ordinance amendment, Rezone) the Commission shall make an advisory recommendation to the Board on each application.
3. This Section shall not apply to applications for:
 - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review.
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).
 - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).

Table1-1 - Decision-maker Authority

<u>Type of Action</u>	<u>Role of Decision-maker (1)</u>			
	<u>Director</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
Administrative and Legislative				
<u>Interpretations</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Local Coastal Program Amendments</u>			<u>Recommend (2)</u>	<u>Decision</u>
<u>Specific Plans and Amendments</u>			<u>Recommend</u>	<u>Decision</u>
Planning Permits				
<u>Coastal Development Permits (Section 35-169.4.1) (3) (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.2)</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.3)</u>	<u>See Footnote (5) below</u>			
<u>Conditional Certificate of Compliance</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Conditional Use Permits, Major</u>			<u>Decision</u>	<u>Appeal</u>
<u>Conditional Use Permits, Minor</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Design Review</u>	<u>See Footnote (6) below</u>			
<u>Development Plans</u>	<u>See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.</u>			
<u>Emergency Permits</u>	<u>Decision</u>			
<u>Hardship Determinations</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Land Use Permits (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Limited Exception Determinations (Section 35-161.7)</u>			<u>Decision</u>	<u>Appeal</u>
<u>Lot Line Adjustments</u>	<u>See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.</u>			
<u>Modifications</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Oil and Gas Exploration and Production Plans</u>			<u>Decision</u>	<u>Appeal</u>
<u>Oil/Gas Land Uses - Abandonment and Removal Procedures</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Reclamation and Surface Mining Permits</u>			<u>Decision</u>	<u>Appeal</u>
<u>Road Namings and Renamings</u>	<u>See Section 35-144N (Road Naming and Address Numbering)</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Tentative Maps</u>	<u>See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.</u>			
<u>Use Determinations</u>			<u>Decision</u>	<u>Appeal</u>
<u>Variances</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Zoning Clearances</u>	<u>Decision</u>			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Section 35-182 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the review authority for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review) shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

C. Applications subject to review by the Coastal Commission. In addition to the decision-makers identified in Table 1-1, above, final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.
2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

SECTION 2:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the introductory paragraph of Section 35-58, Definitions, to read as follows:

~~For the purpose of this Article, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future tenses, words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory, and the word "may" is permissive.~~

This Division provides definitions of terms and phrases used in this Article that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Division conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Article. If a word is not defined in this Division, or in other provisions of the Santa Barbara County Code, the Director shall use the Coastal Act definition, if any, or if there is no Coastal Act definition, determine the correct definition utilizing the latest edition standard dictionary.

When used in this Article, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to."

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to amend the existing definitions of "Planning Commission" and "Zoning Administrator" to read as follows:

Planning Commission: The Santa Barbara County Planning Commissions, including the Montecito Planning Commission, referred to in this Article as the "Commission" or "Planning Commission."

Zoning Administrator: A position authorized by Government Code Section 65900 *et seq.* of the California Government Code that pursuant to this Article and Section 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is authorized as created by ordinance which authorizes a hearing officer to hear and decide on applications including, but not limited to, Development Plans, Minor Conditional Use Permits, Development Plans, Modifications and Variances in compliance with this Article. Within the Montecito Community Plan Area references to the Zoning Administrator shall mean the Montecito Planning Commission.

SECTION 4:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to add the following definitions of "Board" and "Department" to read as follows:

Board: The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Article as the “Board” or “Board of Supervisors.”

Department: The Santa Barbara County Planning and Development Department, referred to in this Article as the “Department” or the “Planning and Development Department.”

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144B, Applications That Are Within the Jurisdiction of More Than One Final Decision Maker, in its entirety and reserve the section number for future use.

SECTION 6:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144N, Road Naming and Address Numbering, to read as follows:

Section 35-144N Road Naming and Address Numbering.

Section 35-144N.1 Purpose and Intent.

This Section provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

Section 35-144N.2 Applicability.

A. Affected areas, roads, structures. The address numbering system will be implemented through the adoption of specific area wide systems by resolution of the Board of Supervisors after recommendation by the Planning Commission. The address numbering area wide systems are applicable to:

1. All roads and structures located within the boundaries of adopted area wide address numbering systems; and
2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted area wide address numbering system.

B. Existing road standards. The adoption and implementation of this Section shall not affect or supersede the County Department of Public Works Engineering Design Standards and other adopted standards relative to road construction, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

Section 35-144N.3 Area Wide Address Numbering System.

A. Boundaries. The boundaries of each area wide system shall be established by Board resolution after a recommendation by the Planning Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.

B. Maps.

1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the area wide address numbering systems.
2. Each adopted area wide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.

3. Each map adopted in compliance with this Section is available for public review in the Fire Department.

Section 35-144N.4 Road Name and Status Index.

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

Section 35-144N.5 Procedure, Standards and Signs.

A. Road names required. A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.

B. Naming or renaming an existing road.

- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
- 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a.** When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b.** When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c.** When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
- 3. Public hearing.**
 - a. Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection B.3.c (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing). Additionally, notice shall be provided in compliance with the following:
 - 1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - 2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Section 35-181 (Noticing).
 - c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements.
 - 1)** Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a)** The notice shall include a statement that failure by a person to request a public

hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.

- 2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Section 35-144N.5.B.3.c.1) is mailed.
- 3) If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the road naming or renaming application.
- 4) A listing of Road Naming or Renaming applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.

d. Action of decision-maker.

- 1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
- 2) **Action of the Director.**
 - a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35-182 (Appeals).

e. Recording action. Upon the naming or renaming of the road, the road shall thereafter be known by the designated name.

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

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. **Continuation of existing named road.** A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

- 1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
- 2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and shall be filed in conjunction with the application for the tentative map.
- 3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection D (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- 4) **Appeal.** The decision of the review authority is final subject to appeal in compliance with Section 35-182 (Appeals).

D. Road name selection. Each selected road name shall comply with the following standards.

- 1. Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
- 2. Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).
- 3. Continuity.**
 - a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
 - b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
 - c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.
- 4. Extra words.** Unnecessary words shall be avoided. Words that may be used are limited to the following:
 - a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
 - b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.

- 1. Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.
- 2. Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.
 - a. Each road name sign shall be installed in compliance with County requirements.
 - b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue or other color approved by the County.
 - c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
 - d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County requirements and Subsection F.3 (Signs for public roads) below.

3. Signs for public roads.

- a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the County requirements for street name signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.
- b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

- a. Road name signs shall be required for each road created by the subdivision.
- b. Road name signs may be required for existing roads providing access to the subdivision.
- c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

Section 35-144N.6 Address Numbers - Procedures, Standards and Display.

A. Procedure for assigning address numbers.

1. **Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
2. **Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. **Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots), below, regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.
 - e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the United States Postal Service.
2. **Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply

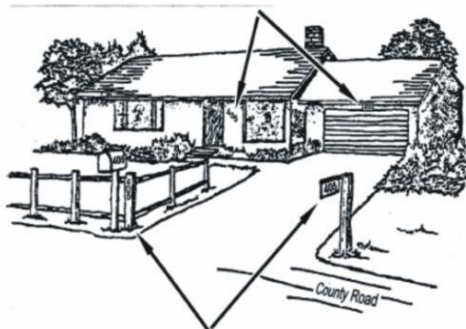
with Subsections B.1.a through B.1.c above.

3. **Accessory structures.** Except for accessory dwellings, including residential second units, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.

C. Display of address numbers.

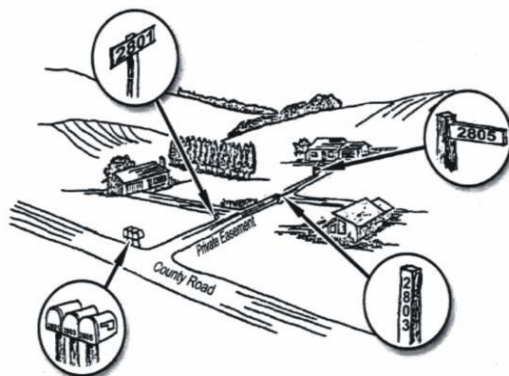
1. **New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance with Subsections C.4 through C.6 below.
2. **Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsections C.4 through C.6 below, and shall remove any obsolete number.
3. **Ranching or agricultural operation over 200 acres.** The owner or tenant of a new or existing structure shall display the address number in compliance with Subsections C.4 through C.6 below.
4. **Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color, or other height and color as approved by the Fire Department or applicable fire protection district.
5. **Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 1 (Display of Address Numbers) illustrating the correct manner of display.
6. **Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.
7. **Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 3 Address Numbers on Mailboxes) below.

Suggested alternative location for numbers. Use the type which can be best seen from the road.



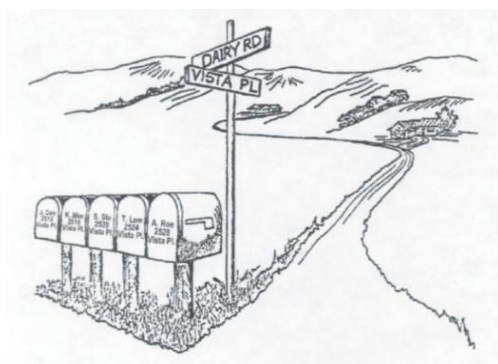
When house is some distance from the public road, place numbers on mailbox or on a post. Use reflective numbers which are at least three inches (3") in height and a color contrasting with the surface where placed.

Figure 1 - Display of Address Numbers



When Mailbox is NOT located in front of your house or when among a group of mailboxes, show number as show above.

Figure 2 - Display of Address Numbers



Where residences are located on private roads, but the mailbox is located in the County road, show name, number and road name. (Name of occupant is optional)

Figure 3 - Address Numbers on Mailboxes

Section 35-144N.7 Administration.

All road names and address numbers shall be issued by the Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the County Public Works Department or at its direction, in compliance with Section 35-144N.5 (Procedure, Standards and Signs) above.

Section 35-144N.8 Enforcement.

- A. Enforcement responsibility.** The Fire Department shall enforce this Section and all of its provisions.
- B. Citation and penalties.** A person who fails to comply with the requirements of this Section shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Section are established by County Code Section 1-7 (General Penalty).

SECTION 7:

DIVISION 8, Services, Utilities And Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-147, Processing, to read as follows:

Section 35-147. Processing.

No permits for development subject to the provisions of this Division shall be issued except in conformance with the following:

1. Development ~~subject to that requires~~ a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits) shall include, ~~but not be limited to~~ the development listed below:
 - a. Development that is less than 20,000 square feet of total development area as listed below.
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures;
 - c. Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial or recreational connection;
 - d. Utility lines for gas, electricity, television, telephone, or other similar utilities, proposed to serve less than five connections;
 - e. Pump or lift stations;
 - f. In-ground septic systems on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells, ~~as provided in that are exempt from the issuance of a Coastal Development Permit in compliance with~~ Section 35-169.2.
2. Development ~~subject to that requires~~ a Minor Conditional Use Permit ~~(Section 35-172 et seq.)~~ in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits):
 - a. Development that is 20,000 square feet or more of total development area including:
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Water production, storage, and treatment systems, including ~~but not limited to, shared water systems~~ multi-parcel water systems, state small community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve from two to 199 domestic, commercial, industrial or recreational connections;
 - c. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve less than 15 domestic, commercial, industrial, or recreational connections, or agricultural operations;
 - d. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H and MHP zoning districts;
 - e. Water diversion projects;

- f. ~~Septic tanks or~~ In-ground septic systems, including dry wells on all lots in designated a lot located in a Special Problem Areas that is designated as such due to for sewage disposal constraints.
 - g. Alternative waste disposal systems that utilize mound or evapo-transpiration systems.
 - h. Utility lines for gas, electricity, television, or other similar utilities, proposed to serve five or more connections;
 - i. Electrical substations subject to the performance standards and district requirements of the Public Works, Utilities and Private Service Facilities District, Section 35-88, excluding major electric transmission substations;
 - j. Uses, buildings, and structures accessory and customarily incidental or similar to the above uses.
3. Development ~~subject to that requires~~ a Major Conditional Use Permit (~~Section 35-172 et seq.~~) in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit (~~Section 35-169 et seq.~~) issued in compliance with Section 35-169 (Coastal Development Permits):
- a. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve from 15 to 199 domestic, commercial, industrial, or recreational connections;
 - b. Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities;
 - c. Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections;
 - d. Electrical transmission lines;
 - e. Uses, buildings, and structures accessory and customarily incidental to the above uses.

SECTION 8:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.1 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a ~~Conditional Use Permit or Development Plan~~ discretionary permit.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
- a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. The Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit.
 - c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).

- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.
- f. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- g. Prior to approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Sections 35-181 (Noticing).
- h. Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 9:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.2 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

2. **Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan compliance with Section 35-169.4.3.** This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities and Residential Second Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and Residential Second Units on

lots located in residential zone districts shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
- c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) All other applications. Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and Residential Second Units), above, shall be processed in compliance with the following:

- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- e. b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection ~~2-e~~ 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
- d. c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

e-d. Waiver of public hearing. The requirement for a public hearing may be waived by the Director in compliance with ~~all of the following requirements~~. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of Coastal Development Permit applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.

- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the County's Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken ~~by the County of Santa Barbara~~ on the Coastal Development Permit application to the County ~~of Santa~~

~~Barbara~~ and the Coastal Commission.

- 3) A written request for public hearing is not received by the ~~Planning and Development~~ Department within ~~the~~ 15 working days immediately following the date the notice, ~~required~~ in compliance with Section ~~35-169.4.2.e.2) 35-169.4.2.d.2)~~, above, is mailed.

~~If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.~~

~~f. The action of the decision maker is final subject to appeal in compliance with Section 35-182 (Appeals).~~

~~g.e.~~ No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section 35-169.4.2 shall not be issued or deemed effective:

- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

~~h.f.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of ~~Supervisors~~, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) ~~was approved by the County before~~ is prior to the adoption of the Board's resolution and the proposed uses ~~or~~ and structures are in conformance with the approved Preliminary or Final Development Plan.

~~i.g.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

~~j.h.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 10:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.3 of

Section 35-169.4 (Processing), of Section 35-169 (Coastal Development Permits), to read as follows:

3. **Coastal Development Permits processed in conjunction with a ~~Conditional Use Permit or a Final Development Plan~~ discretionary permit application.** This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a ~~Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174)~~ discretionary permit as specified in Subsection 3.a, below.

a. An application for a Coastal Development Permit processed in compliance with this Section 35-169.4.3 shall be processed concurrently and in conjunction with any associated application for a ~~Conditional Use Permit or a Final Development Plan~~ the following.

~~1) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) or Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit or Final Development Plan, including all phases of development that may be authorized by the Conditional Use Permit or Final Development Plan.~~

~~a) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit or Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.~~

1) Conditional Certificates of Compliance. An application for a Conditional Certificate of Compliance that is required to be recorded prior to the sale, lease or financing of a parcel of land that was not created in compliance with the laws and ordinances in effect at the time of the creation of the parcel.

2) Conditional Use Permits. An application for a Major Conditional Use Permit or a Minor Conditional Use Permit processed in compliance with Section 35-172 (Conditional Use Permits).

a) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit, including all phases of development that may be authorized by the Conditional Use Permit.

i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

3) Demolition and Reclamation Permits. An application for a Demolition and Reclamation Permit processed in compliance with Section 35-170 (Abandonment of Certain Oil/Gas Land Uses).

4) Final Development Plans. An application for a Final Development Plan processed in compliance with Section 35-174 (Development Plans).

a) An application for a Coastal Development Permit processed concurrently with a Final

Development Plan that includes a phasing plan in compliance with Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Final Development Plan, including all phases of development that may be authorized by Final Development Plan.

- i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Final Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.
- 5) **Lot Line Adjustment.** An application for a Lot Line Adjustment to adjust the lot lines between no more than four adjacent lots, where the land taken from one lot is added to an adjacent lot and where a greater number of lots than existed is not thereby increased.
- 6) **Modifications.** An application for a Modification processed in compliance with Section 35-179 (Modifications) if the Coastal Development Permit for the development requested by the Modification is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- 7) **Oil and Gas Exploration or Production Plans.** An application for an Oil and Gas Exploration or Production Plan processed in compliance with Section 35-176 (Oil and Gas Exploration and Production Plans).
- 8) **Tentative Map.** An application for a Tentative Map including a Vesting Tentative Map, the approval of which is required prior to the recordation of a Final Map or Parcel Map, as applicable, that subdivides improved or unimproved land for the purpose of sale, lease or financing.
- 9) **Variance.** An application for a Variance processed in compliance with Section 35-173 (Variances) if the Coastal Development Permit for the development requested by the Variance is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- b. The decision-maker for the ~~Conditional Use Permit or Final Development Plan~~ as applicable associated application described in Subsection 3.a, above, shall be the decision-maker for the Coastal Development Permit; ~~except as provided below:~~
 - 1) ~~The Zoning Administrator shall be the decision-maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Section 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~

If an application for a Coastal Development Permit processed concurrently and in conjunction with an application for a Final Development Plan under the jurisdiction of the Director in compliance with Section 35-174 (Final Development Plans) is for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the Zoning Administrator shall be the decision-maker for both the Coastal Development Permit and the Final Development Plan.
- c. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- d. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).

- ~~d-e.~~ The decision-maker shall review the Coastal Development Permit application for ~~conformance~~ compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- ~~e.~~ ~~For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).~~
- f. Public hearing requirement.**
- 1) Development that is not appealable to the Coastal Commission.** For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with ~~Section 35-174.6.6.b~~ the processing requirements of the associated application described in Section 35-169.4.3.a.
- ~~g.~~ **2) Development that is appealable to the Coastal Commission.** For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the ~~requested Coastal Development Permit request.~~
- ~~h-g.~~ Notice of the time and place of ~~any applicable~~ the public hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- ~~i-h.~~ The action of the decision-maker ~~on a Coastal Development Permit~~ is final subject to appeal in compliance with Section 35-182 (Appeals).
- 1) In compliance with Public Resources Code Section 30603, the approval or conditional approval of a Coastal Development Permit for appealable development, including a Coastal Development Permit approved or conditionally approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- a) An action by the decision-maker to deny a Coastal Development Permit for a major public works project or major energy facility is also appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- ~~2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~
- ~~j-i.~~ No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section 35-169.4.3 shall not be issued or deemed effective:
- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals);₂
- 2) Until the applicant has signed the Coastal Development Permit;₂
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied;₂
- 4) Until all other necessary prior approvals have been obtained;~~and~~₂
- 5) ~~Within~~ For projects that are appealable to the Coastal Commission, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- ~~k-j.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.
- ~~k-k.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- ~~m-l.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.6 (Expiration), of Section 35-169 (Coastal Development Permits), to read as follows:

Section 35-169.6 Permit Expiration and Extension.

1. Coastal Development Permits approved in compliance with Section 35-169.4.1 and 35-169.4.2.

- ~~a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- ~~b. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- ~~c. Prior to the expiration of such two year period in 1.b above, the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.~~

Approved or conditionally approved Coastal Development Permits. An approved or conditionally approved Coastal Development Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

2. Coastal Development Permits approved in compliance with Section 35-169.4.3.

- ~~a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval for one year if good cause~~

~~is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~

- ~~1) Prior to the expiration of a time extension approved in compliance with Subsection 2.a above, the decision maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- ~~b. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- ~~c. A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 2.a and/or 2.b above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).~~

Issued Coastal Development Permits. An issued Coastal Development Permit shall expire two years from the date of issuance and shall be considered void and of no further effect unless:

- a. The use, or structure for which the Coastal Development Permit was issued has been established or commenced in conformance with the issued Coastal Development Permit, or
 - b. An application for a Time Extension is submitted prior to the expiration of the issued Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
3. A Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) whose expiration date has been extended in compliance with Subsection 1 (Approved and conditionally approved Coastal Development Permits) and/or Subsection 2 (Issued Coastal Development Permits), above, will nevertheless expire at the earlier of:
- a. The expiration of the most recent time extension, or
 - b. The expiration of the discretionary application approved in conjunction with the Coastal Development Permit as modified by any extension thereto.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

Section 35-172.9 Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration.

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.
2. **Permits required.**
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:

- a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
- b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

2. b. Land Use Permit required. ~~Before the commencement of the development and/or use authorized by a Conditional Use Permit a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit if the approval of a Substantial Conformity Determination in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by the Conditional Use Permit.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Conditional Use Permit occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required by the County to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- a- 3) ~~Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.~~

If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.

c. Zoning Clearance required. In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

- 1) A Zoning Clearance is not required for any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
- 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. Time limit, permit expiration and extension.

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit or Zoning Clearance, as applicable, shall be issued.
- 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. ~~The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.~~
 - 3) ~~The decision maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:~~
 - a) ~~A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~
 - b) ~~The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.~~
 - 4) ~~An approved~~ Conditional Use Permit shall expire and be considered void and of no further effect if:
 - a) ~~The required~~ time limit in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, has expired ~~and an extension has not been approved unless an application for a Time Extension is submitted prior to the expiration of the time limit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions), or~~
 - b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.
- b. Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit or Zoning Clearance, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.
- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
 - 2) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
 - 3) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.

- b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.
- 4) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit with a phasing plan in compliance with Section 35-169.4.3.a.1.
- 5) A Conditional Use Permit with an approved phasing plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

4. **Conditional Use Permit void due to discontinuance of use.** A Conditional Use Permit shall become void and ~~be automatically revoked~~ of no further effect if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months unless an application for a Time Extension is submitted prior to the expiration of the 12 month period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- a) ~~The time limit for discontinuance may be extended by the decision maker with jurisdiction over the project, in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) one time for good cause shown provided a written request that includes a statement of the reasons for the time extension request, is filed with the Planning and Development Department prior to expiration date.~~

The application for the Time Extension shall include a statement of the reasons why the Time Extension is requested.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

Section 35-174.9 Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration.

- 1. ~~Coastal Development Permit required.~~ Prior to the commencement of the development and/or authorized use permitted by the Final Development Plan, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.

2. Permits required.

- a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by:

- 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
- 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

- 2. **b. Land Use Permit required.** ~~Before the commencement of development and/or use allowed by a Final Development Plan a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in

compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of development and/or authorized use allowed by the Final Development Plan if the approval of a Substantial Conformity Determination in compliance with Section 35-174.10 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by the Final Development Plan.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Final Development Plan occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- a. 3) Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following the approval of the Coastal Development Permit by the Coastal Commission.

If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a (Coastal Development Permit required), above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.

- c. Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Final Development Plan.

- 1) A Zoning Clearance is not required by any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
- 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. Time limit, permit expiration and extension.

- a. A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the decision maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.

Preliminary Development Plans. An approved or conditionally approved Preliminary Development Plan shall expire two years from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to expiration of the

approved or conditionally approved Preliminary Development Plan and subsequently approved or conditionally approved.

b. Final Development Plans.

1) Final Development Plans without approved phasing plans. If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits shall apply.

a) Final Development Plans for agricultural developments. Within the Rural area as designated on the ~~Comprehensive~~ Coastal Land Use Plan maps, for lots with a base zone of AG-II and no designated ~~Comprehensive~~ Coastal Land Use or zoning overlays, an approved or conditionally approved Final Development Plans for agricultural development shall expire 10 years ~~after~~ following the effective date of the approval and shall be considered void and of no further effect unless:

- i) sSubstantial physical construction has been completed on the development in compliance with an issued Coastal Development Permit, or
- ii) ~~a time extension is approved in compliance with Subsection b)3), below~~ An application for a Time Extension is submitted prior to the expiration of the 10-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

b) Final Development Plans for other than agricultural developments. Except as provided in Subsection 3.b.1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years ~~after~~ following the effective date of the approval and shall be considered void and of no further effect unless:

- i) sSubstantial physical construction has been completed on the development, or
- ii) ~~a time extension is approved in compliance with Subsection b)3), below~~ An application for a Time Extension is submitted prior to the expiration of the five-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

c) ~~Time extensions.~~ ~~The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~

- i) ~~The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.~~
- ii) ~~The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.~~

2) Final Development Plans with approved phasing plans. If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Zoning Clearance or Land Use Permit, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase

of construction.

- a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
- b) If the required time limit(s) in which ~~to obtain~~ the Land Use Permit or Zoning Clearance, as applicable, for the first phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.
- c) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, for any subsequent phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 3.b.2)c)i), above.
- d) A Coastal Development Permit shall be processed concurrently and in conjunction with a Final Development Plan with a phasing plan in compliance with Section 35-169.4.3.a.1.
- e) The Final Development Plan shall be considered to be void and of no further effect if the Coastal Development Permit approved in conjunction with the Development Plan has expired.

SECTION 14:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.3, Contents of Exploration Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 11 to read as follows:

11. An application for a Coastal Development Permit for the development requested by the Exploration Plan application shall also be submitted and processed concurrently and in conjunction with the Exploration Plan application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.8, Contents of Production Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 6 to read as follows:

6. An application for a Coastal Development Permit for the development requested by the Production Plan application shall also be submitted and processed concurrently and in conjunction with the Production Plan application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 16:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Section 35-176.12 titled "Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan" and to read as follows:

Section 35-176.12 Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan.

1. Prior to the commencement of the development and/or authorized use permitted by an Exploration Plan or Production Plan, a Coastal Development Permit and a Zoning Clearance authorizing such development shall be issued.
2. **Permits required.**
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development allowed by an Exploration Plan or Production Plan either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development allowed by an Exploration Plan or Production Plan.
 - 1) Under this Subsection 2.b (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by an Exploration Plan or Production Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
 - 2) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 5. of

Section 35-178.4, Processing, of Section 35-178, Land Use Permits, to read as follows:

5. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment; unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors unless or (2) the effective date of a Preliminary or Final Development Plan was approved in compliance with Section 35-174 (Development Plans) by the County before precedes the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Permit Expiration and Extension.

1. ~~The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the effective date of decision maker action except that a Land Use Permit approved or conditionally approved and unissued as of November 14, 2013 shall be valid for 12 months following November 14, 2013. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Approved and conditionally approved Land Use Permits. Except as provided in Subsection 1.a, below, an approved or conditionally approved Land Use Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- a. An unexpired, approved or conditionally approved Land Use Permit that has not been issued as of November 14, 2013 shall expire on November 14, 2014 and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
2. ~~A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Issued Land Use Permits. An issued Land Use Permit shall expire two years from the date of issuance and shall be considered void and of no further effect unless:

- a. The use or structure for which the Land Use Permit was issued has been established or commenced in conformance with the issued Land Use Permit, or
- b. An application for a Time Extension is submitted prior to the expiration of the issued Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance,

of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.7, Expiration, of Section 35-179, Modifications, to read as follows:

Section 35-179.7 Permit Expiration and Extension.

1. Unless otherwise specified by conditions of project approval, an approved or conditionally approved Modification shall expire one year from the effective date of approval and shall be considered void and of no further effect if a unless:
 - a. A Coastal Development Permit has not been issued for the modified building or structure- that is the subject of the Modification, or
 - b. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown.

An application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Modification and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
2. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.

If the Coastal Development Permit for the structure that is the subject of the Modification expires, then the Modification shall also expire and be considered void and of no further effect.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete existing Section 35-179A, Time Extensions Due to Economic Hardship, in its entirety and replace with a new Section 35-179A titled "Zoning Clearances" to read as follows:

Section 35-179A Zoning Clearances.

1. **Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection 2. (Applicability), below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County.
2. **Applicability.**
 - a. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Article unless other requirements of this Article specify that the Zoning Clearance is not required or that the activity is exempt from the approval of a planning permit in compliance with Section 35-169.2 (Applicability). A Zoning Clearance shall not take the place of a required Coastal Development Permit.
 - b. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy:
 - 1) All conditions of approval of a Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit.
 - 2) All conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final and Parcel Maps, Development Plans).
3. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

4. Processing.

- a. Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
- 1) All necessary prior approvals have been obtained.
 - 2) The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and if applicable, that zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on nonconforming structures and uses in compliance with Division 10 (Nonconforming Structures and Uses).
- b. Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, is final and not subject to appeal.
- c. Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35-184 (Board of Architectural Review).
- d. Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Major Conditional Use Permit or Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) or a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Major Conditional Use Permit or Minor Conditional Use Permit or Preliminary or Final Development Plan.

5. Permit expiration and extension.

- a.** A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Article and the Zoning Clearance conditions continues.
- b.** An issued Zoning Clearance shall expire two years from the date of issuance and shall be considered void and of no further effect unless:
- 1) The use or structure for which the Zoning Clearance was issued has been established or commenced in compliance with the issued Zoning Clearance, or
 - 2) An application for a Time Extension is submitted prior to the expiration of the Zoning Clearance and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

6. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance may be allowed provided the changes substantially conform to the issued Zoning Clearance. A request to allow a minor change shall be processed in compliance with the following:

- a.** The Director may approve a minor change to a Zoning Clearance, subject to all of the following:
- 1) The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit.
 - 2) There is no change in the use or scope of the development.

- 3) The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings.
 - 4) The Zoning Clearance has not expired.
 - 5) The minor change is exempt from Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. Where a minor change of an issued Zoning Clearance is approved, the Zoning Clearance shall have the same effective and expiration dates as the original Zoning Clearance and no additional public notice shall be required.
 - c. Where it cannot be determined that the minor change materially conforms to an approved or issued Zoning Clearance in compliance with the above criteria, a new Zoning Clearance shall be required.
 - d. The determination to allow a minor change to an issued Zoning Clearance is final and not subject to appeal.
7. **Zoning Clearance revocation.** Issuance of a Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development in compliance with the following:
- a. **Notification.** Written notice of such Revocation shall be provided to the permittee.
 - b. **Appeal.** The action of the Director to revoke a Zoning Clearance is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 21:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179B titled "Time Extensions" to read as follows:

Section 35-179B. Time Extensions.

- A. Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Article.
- B. Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Section 35-57A (Application Preparation and Filing).
- D. Processing.** References to decision-maker in this Section 35-179B (Time Extensions), including the following Table 11-1 (Permit Expiration and Time Extensions), shall mean the decision-maker responsible for reviewing and making a decision on the specific planning permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) unless a specific decision-maker (e.g., Board, Director, Planning Commission, Zoning Administrator) is otherwise identified.

Table 11-1 Permit Expiration and Time Extensions

Type of Permit	Permit Expiration	Number and Length of Time Extensions	Time Extension Decision-maker
Coastal Development Permits initially approved or conditionally approved by the Director (1)	One year following effective date	One time for 12 months (2)	Director
Coastal Development Permits initially approved or conditionally approved by the Zoning Administrator	One year following effective date	One time for 12 months (2)	Zoning Administrator
Coastal Development Permits initially approved or conditionally approved by the Planning Commission	One year following effective date	One time for 12 months (2)	Planning Commission
Coastal Development Permits that have been issued	Two years following date of issuance	One time for 12 months	Director
Conditional Use Permits, Major	18 months from effective date or other approved time period	One time, length of extension to be determined at time of approval	Planning Commission
Conditional Use Permits, Minor	18 months from effective date or other approved time period	One time, length of extension to be determined at time of approval	Zoning Administrator
Design Review	See Note (3)		
Development Plans, Final	Five years from effective date	One time for 12 months (4)	Initial decision-maker
Development Plans, Preliminary	Two years from effective date	One time for 12 months (4)	Initial decision-maker
Emergency Permits	See Note (5)	N/A	N/A
Land Use Permits, approved or conditionally approved	One year following effective date	One time for 12 additional months	Director
Land Use Permits, issued	Two years from date of issuance	One time for 12 additional months	Director
Modifications	See Note (6)	One time for 12 additional months	Director
Zoning Clearances	Two years from date of issuance	One time for 12 additional months	Director

Notes:

- (1) This includes applications for time extensions where the requirement for a public hearing has been waived by the Director.
- (2) The expiration of a Coastal Development Permit approved in conjunction with a discretionary permit may be extended for two additional two year periods.
- (3) Board of Architectural Review approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit), including time extensions, expires. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except that the Director may grant an extension of the approval if an active development permit is being processed by the Department.
- (4) A Development Plan (Preliminary or Final) shall expire 12 months from the effective date of the time extension or two years from the initial effective date of approval of the Development Plan, whichever occurs first.
- (5) The Director may specify an expiration date at the time of permit approval.
- (6) A Modification shall expire one year from the effective date if a Coastal Development Permit has not been issued for the development. Once the Coastal Development Permit has been issued, the Modification shall have the expiration date as the issued Coastal Development Permit.

1. Coastal Development Permits.

- a. **Approved and conditionally approved Coastal Development Permits.** The decision-maker responsible for reviewing and making a decision on the Coastal Development Permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) **Decision and hearing.**
 - a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b) **Applications under the jurisdiction of the Planning Commission or Zoning Administrator.**
 - i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 5) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.
 - 6) If the initial expiration of a Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) was extended in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits), above, then the decision-maker may approve two additional time extensions for two years each for good cause in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits).
- b. Issued Coastal Development Permits.** The Director may extend the expiration of an issued Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - 2) Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - 3) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - 4) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 5) A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.

2. Conditional Use Permits and Minor Conditional Use Permits.

- a. The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Section 35-172.9.2 (Permit expiration and extension) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve, or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-172.8 (Findings Required for Approval) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.
- b. **Discontinuance of use.** The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit that a Conditional Use Permit or Minor Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Section 35-172.9.4 (Conditional Use Permit void due to discontinuance of use) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

3. Development Plans (Preliminary and Final).

- a. **Extension of permit approval.** The decision-maker responsible for reviewing and making a decision on the Development Plan in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
- 3) **Decision and hearing.**
 - a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b) **Applications under the jurisdiction of the Commission or Zoning Administrator.**
 - i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- 4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
- 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-174.7 (Findings Required for Approval) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. **Expiration.** A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.
4. **Land Use Permits.** The Director may extend the expiration of an approved or conditionally approved, or an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) that were made in conjunction with the initial approval of the Land Use Permit can still be made.
5. **Modifications.** The Director may extend the approval of an approved or conditionally approved Modification one time for 12 additional months for good cause shown; in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

- b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-179.6 (Findings Required for Approval) that were made in conjunction with the initial approval of the Modification can still be made.
- 6. Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:
- a. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b. The action of the Director is final and is not subject to appeal.
 - c. A Time Extension shall be approved or conditionally approved only if the Director first determines that the determination that was made in compliance with Section 35-179A.4 (Processing) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.
- 7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.7.a, above, is mailed.
 - c. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Time Extension application.
 - d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available hearing agenda of the decision-maker who would otherwise have jurisdiction over the Time Extension application following the mailing of the notice.
- 8. Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director may extend the expiration of a planning permit for additional 24 month periods for good cause in compliance with the following:
- a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing economic turndown. Examples of economic hardships may include (but are not limited to):
 - 1) Commencing the construction of the project at this time would be unprofitable due to current loan interest rates,
 - 2) Loans are not available to fund the construction of the project, or

- 3) The purchase price of the property for which the permit was approved is greater than the current assessed valuation as determined by the County Assessor.
- b. The application for the Time Extension shall be filed with the Department in compliance with the following:
 - 1) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
 - 2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
 - 3) The applicant shall include in the application a written statement of the reasons for the economic hardship time extension request.
- c. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
- d. **Findings required for approval.**
 - 1) A time extension application shall be approved only if the Director first finds that:
 - a) All of the findings for approval that were made in conjunction with the initial approval pursuant to Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit), Section 35-172.8 (Findings Required for Approval of a Conditional Use Permit), Section 35-174.7 (Findings Required for Approval of a Preliminary or Final Development Plan), Section 35-178.5 (Findings Required for Approval of a Land Use Permit) or Section 35-179.6 (Findings Required for Approval of a Modification), as applicable, can still be made, and
 - b) Approving the application for time extension will not result in impacts to coastal resources including public access to the shoreline or along the coast, recreation, scenic resources, and sensitive habitats, that may result from the continued delay in the construction of the project for which the time extension is sought.
 - i) If the Director determines that approving the application for the time extension may result in impacts to coastal resources due the delay in the construction of the project, then the Director may approve the application subject to conditions of approval that will allow the Director to make the finding required by Subsection D.8.d.b), above.
 - 2) If the Director cannot make all of the applicable findings required in compliance with Subsection D.8.d (Findings required for approval), above, (e.g., special conditions or mitigation measures required in the initial approval would not ensure compliance with the applicable policies of the Comprehensive Plan, including the Coastal Land Use plan), then the application for the time extension shall be denied.
- e. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Subsection D.8 (Time extensions due to economic hardship) shall expire and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

E. Effect of expiration. After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 22:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-181 (Noticing) to read as follows:

Section 35-181. Noticing.

Section 35-181.1 Purpose and Intent.

~~The purpose of this section is to set forth~~ This Section establishes the minimum requirements for providing notice of a public hearing and other required noticing, and public hearing provisions and procedures.

Section 35-181.2 Notice of Public Hearing and Decision-Maker Action.

~~1. **Minimum Requirements.** Notice shall be given in compliance with Sections 65090-65096 of the Government Code for all projects that require a noticed public hearing or notice of decision by the Director and the following minimum requirements:~~

A. Minimum noticing requirements for projects that require a public hearing or a discretionary notice of decision-maker action. Notice shall be given by the Department in compliance with Government Code Sections 65090 - 65096 for all projects that require a noticed public hearing or notice of decision-maker action, including notice of the application and pending action on a Coastal Development Permit processed in compliance with either Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3) or Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application). Each notice shall comply with the following minimum requirements.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Newspaper publication. Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

b. Mailed notice. ~~Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:~~

~~1) Any person who has filed a written request for notice and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~

~~2) The applicant(s).~~

~~3) Owners of the subject lot, if different from the applicant.~~

~~4) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~

~~5) Residents located within a 100-foot radius of the exterior boundaries of the subject lot.~~

~~6) The Coastal Commission.~~

~~7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~

1) Notice of filing of an application. Notice of the filing of an application shall be mailed no later than 15 calendar days following the Department's determination that an application is complete for processing to:

- a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - b) The applicant.
 - c) The owner of the subject lot, if different from the applicant.
 - d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - e) All residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - f) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunications Facilities) or Section 35-144G (Non-commercial Telecommunications Facilities).
 - g) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - h) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - i) The Coastal Commission.
- 2) **Notice of public hearing or decision-maker action.** Notice of public hearing or decision-maker action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.1) (Notice of filing of an application), above.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.1) (Notice of filing of an application), above, and A.1.b.2) (Notice of public hearing or decision-maker action), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
- a) Notice of the filing of an application shall be published no later than 15 calendar days following the Department's determination that an application is complete.
 - b) Notice of public hearing or decision-maker action shall be published at least 10 days before the scheduled hearing or action.
 - c) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1.b (Mailed notice) where mail delivery is available to

addresses appearing on the equalized County assessment roll.

4) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

c. **Optional notice to more than 1,000 owners of property.** If the number of owners ~~and residents~~ to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice required by Subsection A.1.a (Newspaper publication), above, and Subsection A.1.b.2) (Notice of public hearing or decision-maker action), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

d. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department) no later than 15 calendar days following the Department's determination that an application is complete for processing.

~~2.~~ e. **Contents of Notice.** The contents of the notice shall be in compliance with Section ~~35-181.4~~ 35-181.8.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. **Posted notice.**

1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

a) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

b) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Development Plan in compliance with Section 35-174 (Development Plans), not including applications for Development Plans required solely in compliance with Section 35-169.2.2.

c) Applications for legislative actions under the jurisdiction of the Board.

3) Said notice shall be posted by the applicant:

a) At least 10 days before the scheduled public hearing or decision-maker action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

b) If the application is determined to subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

4) The notice shall be continuously posted from the date required by Subsection A.2.a.3), above, until at least 10 days following an action of the decision-maker to approve.

conditionally approve, or deny the application, including an action on an appeal of the decision of the decision-maker.

- 5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled initial public hearing or action by the decision-maker. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the decision-maker.

~~3. **Continuances.** If a public hearing on a project is continued by the local government to a time which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.~~

Section 35-181.3 Coastal Development Permits and Land Use Permits Noticing.

~~1. **Minimum Requirements.** Notice of the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and Land Use Permits that do not follow a previous discretionary action shall be given in compliance with the following:~~

~~a. **By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:~~

- ~~1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
- ~~2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~
- ~~3) Said notice shall be posted pursuant to Subsection 1) above and/or mailed no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted or mailed less than:
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review, or;~~
 - ~~b) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.~~~~
- ~~4) The posted notice shall be required to be continuously posted from the date required by Subsection 3), above and shall remain posted for a minimum of 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.~~
- ~~5) Mailed notice shall be provided to the applicant(s).~~
- ~~6) Mailed notice shall be provided to the owner(s) of the subject lot, if different from the applicant.~~
- ~~7) Mailed notice shall be provided to all owners and residents located within a 100 foot radius of the exterior boundaries of the subject lot.~~
- ~~8) Mailed notice shall be provided to the Coastal Commission.~~
- ~~9) Mailed notice shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below.~~

- ~~a) Development that requires Design Review in compliance with Section 35-184 (Board of Architectural Review);~~
- ~~b) A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling;~~
- ~~c) A new accessory structure in excess of 120 square feet or an addition to an existing accessory structure that would exceed 120 square feet;~~
- ~~d) A change in the allowed use of a structure;~~
- ~~e) Home occupations where clients come to the dwelling where the home occupation is conducted;~~
- ~~f) Residential second units, and additions thereto, as may be allowed in compliance with Section 35-142 (Residential Second Units);~~
- ~~g) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35-143.2 (Community Care Facilities);~~
- ~~h) Commercial telecommunication facilities, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities); and~~
- ~~i) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35-144G.3.1 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- ~~10) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~
- ~~11) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~12) The contents of the notice shall be in compliance with Section 35-181.4.~~

A. Minimum requirements. Notice of the application and pending action on a Coastal Development Permit processed in compliance with Section 35-169.4.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a discretionary permit) or a Land Use Permit processed in compliance with Section 35-178 (Land Use Permits) shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).

- d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - e) The Coastal Commission.
 - 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and:
 - i) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - ii) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
 - b. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
 - c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - 1) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - 2) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
 - e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.
- b2. By the applicant.** Notice shall be given by the applicant in compliance with the following:
- 1)a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously

post a notice adjacent to each street frontage in a location that can be viewed from the street.

- 2)b. The language and form of the notice shall be provided to the applicant by the ~~Planning and Development Department~~. ~~The contents of the notice shall be in compliance with Section 35-181.4. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
- 3)c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the ~~Planning and Development Department~~, ~~but in no case shall said notice be posted less than, and:~~
 - a1) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review; or
 - b2) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven ~~Seven~~ days before an action by the Director to approve, conditionally approve, or deny the a Coastal Development Permit or Land Use Permit.
- 4)d. ~~Notice required to be posted~~ The notice shall be continuously posted for a minimum of 17 days from the date prescribed pursuant to subsection 3), above until at least from the date required by Subsection A.2.c, above, and shall remain posted for a minimum of 10 calendar days following the decision an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- 5)e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other ~~required~~ documentation required by the Director with the ~~Planning and Development Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or seven days before an~~ prior to the action by the Director to ~~approve, conditionally approve, or deny~~ issue the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Section may result in ~~denial and or revocation of postponement of the action on~~ the Coastal Development Permit or Land Use Permit.

~~2. Minimum Requirements for Land Use Permits Following a Previous Discretionary Action.~~ Notice of a decision on a Land Use Permit following a previous discretionary action and with the same project description shall be given in compliance with the following:

- a. ~~By the Planning and Development Department.~~ Notice shall be given by the Planning and Development Department in compliance with the following:
 - 1) ~~The Planning and Development Department shall conspicuously post notice at public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
 - 2) ~~Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~
 - 3) ~~Said notice shall be mailed and posted no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be mailed and posted less than and:~~
 - a) ~~10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - b) ~~10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~

- ~~4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- ~~5) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- ~~6) Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~
- ~~7) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~8) The contents of the notice shall be in compliance with Section 35-181.4.~~

~~**b. By the applicant.** Notice of an application and pending decision on a Land Use Permit shall be given by the applicant in compliance with the following:~~

- ~~1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- ~~2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Section 35-181.4.~~
- ~~3) Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be posted less than:
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - ~~b) 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~~~
- ~~4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- ~~5) The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Land Use Permit.~~

~~**3. Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.4.~~

Section 35-181.4 Notice of Final Action of Coastal Development Permits Appealable to the Coastal Commission.

- 1. Provision of notice.** For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35-182 (Appeals), a Notice of Final Action of the approval or conditional approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.
- 2. Notice within seven days.** The notice shall be mailed within the seven calendar days following the County's final action on the Coastal Development Permit. An action shall be considered final only after

exhaustion of County appeal procedures.

3. Contents of notice. The notice shall include the following:

- a. The applicable decision-maker.
- b. The date of final action.
- c. The status of any appeals.
- d. The conditions of approval of the Coastal Development Permit.
- e. The findings of the Coastal Development Permit.
- f. The procedure for appeal of the County's final action to the Coastal Commission.

Section 35-181.5 Design Review.

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - i) Within the Toro Canyon Plan Area mailed notice shall also be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.

b. Posted notice. The Department shall conspicuously post notice at a minimum of one public

place within the County's jurisdiction (e.g., at the Department).

- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.
- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, until at least 10 days following final action by the Board of Architectural Review.
- e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

2. By the applicant. Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), notice shall be given by the applicant in compliance with the following:

- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Board of Architectural Review, including conceptual review.
- d. The notice shall be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Board of Architectural Review to grant final approval.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Section may result in postponement of the review by the Board of Architectural Review.

Section 35-181.6 Emergency Permits.

A. Minimum requirements. Notice of the application for an Emergency Permit shall be given in compliance with the following:

1. Mailed notice.

- a. The Department shall provide mailed notice to:
 - 1) All owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
 - 2) All residents within a 100 foot radius of the exterior boundaries of the affected property.
- b. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- c. **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be

provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

- 1) Publication of the notice is not required to precede the actual commencement of the emergency work.
 - 2) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (Mailed notice) where mail delivery is available to addresses appearing on the equalized County assessment roll.
2. **Posted notice.** The Department shall also conspicuously post a notice in three locations on the subject lot.
3. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.
4. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.7 Time Extensions for Applications Under the Jurisdiction of the Director.

A. Minimum requirements. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Newspaper publication.** If the Director is the decision-maker on an application because the requirement for a hearing on the application has been waived in compliance with this Article, then notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - b. **Mailed notice.**
 - 1) Except as provided in Subsection A.1.b.3), below, mailed notice shall be provided to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).
 - d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - e) The Coastal Commission.
 - 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-

eighth page in at least one newspaper of general circulation within the County in compliance with the following.

- a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
- c) **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d) The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- e) The posted notice shall be continuously posted from the date required by Subsection A.1.c. above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
- f) The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.4-8 *Contents of Notice.*

1. **Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
 - a. The date of filing of the application and the name of the applicant.
 - b. The ~~Planning and Development~~ Department case number assigned to the application.
 - c. The name of the ~~Planning and Development~~ Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 - d. A description of the project, its location, and a statement that the project is located within the Coastal Zone.
2. **Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
 - a. All information required by Subsection 1-: (Notice for all projects), above.
 - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action or decision of the decision-maker is required.
 - c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
 - d. The procedure for Coastal Commission appeals, including any required appeal fees, if applicable.
 - e. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Section 35-144F (Commercial Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35-181.10 (Hearing

Procedure) below.

3. **Notice for projects that do not require a public hearing or other discretionary decision-maker action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
- a. All information required by Subsection 1 (Notice for all projects), above.
 - b. A general description of the County procedures concerning the review of the application ~~for the Coastal Development Permit or Land Use Permit~~, including:
 - 1) How to participate in the review of the application ~~for the Coastal Development Permit or Land Use Permit~~;
 - 2) How to receive notification of any pending review ~~by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review), if applicable, and or action to approve, conditionally approve or deny the Coastal Development Permit or Land Use Permit; application.~~
 - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the Coastal Development Permit or Land Use Permit; application.
 - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the Coastal Development Permit or Land Use Permit application.
 - c. ~~The~~ If applicable, the date of the pending decision on the application ~~the Coastal Development Permit or Land Use Permit~~, and ~~where applicable, the date of expiration of the appeal period.~~
 - d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the subject requested ~~Coastal Development Permit or Land Use Permit~~ application, excluding Land Use Permits that follow a previous discretionary approval.

~~**Section 35-181.5 Notice of Final Action for Coastal Development Permits Appealable to the Coastal Commission.**~~

~~For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section 35-182.6, Appeals to the Coastal Commission), notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department. Said notice shall be given within five calendar days of the final action. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.~~

Section 35-181.69 Failure to Receive Notice.

The failure of any person or entity to receive notice given in compliance with this Section or in compliance with State Law (Government Code Sections 65090 - 65096) shall not invalidate the actions of the ~~Planning and Development Department~~ or the applicable decision-maker.

Section 35-181.10 Hearing Procedure.

1. **Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
2. **Hearing may be continued.**
 - a. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the decision-maker announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 - b. If a public hearing on a project is continued by the local government to a time which is neither (1) previously stated in the notice nor (b) announced at a hearing as being continued to a date, time, and

place to which the hearing will be continued, notice of the further hearing(s) shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), above.

- 3. Deferral of final decision.** The decision-maker may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

SECTION 23:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection H, Special Processing Requirements, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

H. Special Processing Requirements. The following requirements apply to applications for Coastal Development Permits or Land Use Permits or Zoning Clearances that also require review by the Board of Architectural Review:

1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but prior to the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance for such project.
2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.
3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, then a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to:
 - a. A decision to approve or conditionally approve a Coastal Development Permit, or
 - b. A decision to issue Zoning Clearance.

SECTION 24:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2, Director Decisions, of Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of Section 35-182, Appeals, to read as follows:

- 2. Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
- a. Any determination on the meaning or applicability of the provisions of this Article~~;~~
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943~~;~~
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit, ~~or~~ Land Use Permit, or Zoning Clearance.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.

- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
- h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 25:

Except as amended by this Ordinance, Division 1, 2, 7, 8, 11 and 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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
COUNTY OF SANTA BARBARA

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

ATTACHMENT D: RESOLUTION

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

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AMENDMENTS TO THE TEXT OF THE)
ARTICLE II COASTAL ZONING ORDINANCE, OF)
CHAPTER 35, ZONING, OF THE SANTA BARBARA)
COUNTY CODE, A PORTION OF THE SANTA)
BARBARA COUNTY LOCAL COASTAL PROGRAM,))
THAT WOULD IMPLEMENT NEW REGULATIONS)
AND MAKE OTHER CLARIFICATIONS,)
CORRECTIONS AND REVISIONS.)

RESOLUTION NO: 14 - _____

CASE NO: 12ORD-00000-00014

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance No. 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On June 3, 2014, the Board of Supervisors, having found it to be in the interest of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Land Use Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting Case No. 12ORD-00000-00014 that amends the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations and make other clarifications, corrections and revisions.
- D. The Board of Supervisors held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- F. This amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- G. The Board of Supervisors now wishes to submit this amendment to the California Coastal Commission for certification as a minor amendment to the Santa Barbara Local Coastal Program in compliance with California Public Resources Code Section 30514(c) and Section 13554 of Title 14 of the California Code of Regulations.
- H. The Board of Supervisors also requests that this amendment take effect immediately upon approval by the Coastal Commission without further action by the Board of Supervisors in compliance with Section 13551(b) of Title 14 of the California Code of Regulations.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of June, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

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

ATTACHMENT E: COUNTY PLANNING COMMISSION RESOLUTION 14-11

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
A MINOR AMENDMENT TO ARTICLE II, THE)
SANTA BARBARA COUNTY COASTAL ZONING)
ORDINANCE, OF CHAPTER 35, ZONING, OF THE)
COUNTY CODE AMENDING DIVISION 1, IN) RESOLUTION NO.: 14 - 11
GENERAL, DIVISION 2, DEFINITIONS, DIVISION)
7, GENERAL REGULATIONS, DIVISION 8,) CASE NO.: 12ORD-00000-00014
SERVICES, UTILITIES AND OTHER RELATED)
FACILITIES, DIVISION 11, PERMIT PROCEDURES,)
AND DIVISION 12, ADMINISTRATION, TO)
IMPLEMENT NEW REGULATIONS AND MAKE)
OTHER MINOR CLARIFICATIONS, CORRECTIONS,))
AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00014) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, concerning minor amendments regarding authority for land use and zoning decisions, concurrent processing of Coastal Development Permits with discretionary applications, definitions, noticing requirements, permit expiration and time extensions, private services, residential second units and solar energy facilities permit process, road naming and street addressing, single projects with multiple applications, waived hearing process and zoning clearance process, and to make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Community Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will (1) revise existing permit processes to enhance clarity and efficiency and (2) correct and clarify existing text provisions.
- E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the County Planning Commission Staff report dated March 24, 2014.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this April 2, 2014 by the following vote:

AYES: Blough, Brown, Cooney, Ferini, Hartmann

NOES: None.

ABSTAIN: None.

ABSENT: None.

(signed copy on file)

DANIEL BLOUGH, Chair
Santa Barbara County Planning Commission

ATTEST:

(signed copy on file)

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. 12ORD-00000-00014

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, DIVISION 11, PERMIT PROCEDURES. AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 12ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57C titled "Authority for Land Use and Zoning Decisions) and to read as follows:

Section 35-57C. Authority for Land Use and Zoning Decisions.

A. Decision-maker.

1. Table 1-1 (Decision-maker Authority) below, identifies the decision-maker responsible for reviewing and making decisions on each type of application required by this Article.
2. Any reference to the Board of Architectural Review shall refer to the Design Review body with jurisdiction in compliance with Section 35-184 (Board of Architectural Review).

B. Applications subject to more than one decision-maker.

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one decision-maker in compliance with Table 1-1 (Decision-maker Authority) below, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Commission;
 - c. Zoning Administrator and;
 - d. Director.
2. If the Board is the decision-maker for a project due to a companion discretionary application (e.g., Coastal Land Use Plan amendment, Ordinance amendment, Rezone) the Commission shall make an advisory recommendation to the Board on each application.
3. This Section shall not apply to applications for:
 - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review.
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).
 - e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).

Table1-1 - Decision-maker Authority

<u>Type of Action</u>	<u>Role of Decision-maker (1)</u>			
	<u>Director</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
Administrative and Legislative				
<u>Interpretations</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Local Coastal Program Amendments</u>			<u>Recommend (2)</u>	<u>Decision</u>
<u>Specific Plans and Amendments</u>			<u>Recommend</u>	<u>Decision</u>
Planning Permits				
<u>Coastal Development Permits (Section 35-169.4.1) (3) (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.2)</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.3)</u>	<u>See Footnote (5) below</u>			
<u>Conditional Certificate of Compliance</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Conditional Use Permits, Major</u>			<u>Decision</u>	<u>Appeal</u>
<u>Conditional Use Permits, Minor</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Design Review</u>	<u>See Footnote (6) below</u>			
<u>Development Plans</u>	<u>See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.</u>			
<u>Emergency Permits</u>	<u>Decision</u>			
<u>Hardship Determinations</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Land Use Permits (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Limited Exception Determinations (Section 35-161.7)</u>			<u>Decision</u>	<u>Appeal</u>
<u>Lot Line Adjustments</u>	<u>See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.</u>			
<u>Modifications</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Oil and Gas Exploration and Production Plans</u>			<u>Decision</u>	<u>Appeal</u>
<u>Oil/Gas Land Uses - Abandonment and Removal Procedures</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Reclamation and Surface Mining Permits</u>			<u>Decision</u>	<u>Appeal</u>
<u>Road Namings and Renamings</u>	<u>See Section 35-144N (Road Naming and Address Numbering)</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Tentative Maps</u>	<u>See Section 21-6. (Discretionary Decision-Maker Jurisdiction and Designation of Responsibility) for applicable Tentative Map decision-makers.</u>			
<u>Use Determinations</u>			<u>Decision</u>	<u>Appeal</u>
<u>Variances</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Zoning Clearances</u>	<u>Decision</u>			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with [Section 35-182 \(Appeals\)](#).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the review authority for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review, shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

C. Applications subject to review by the Coastal Commission. In addition to the decision-makers identified in Table 1-1, above, final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.
2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

SECTION 2:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the introductory paragraph of Section 35-58, Definitions, to read as follows:

~~For the purpose of this Article, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future tenses, words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory, and the word "may" is permissive.~~

This Division provides definitions of terms and phrases used in this Article that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Division conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Article. If a word is not defined in this Division, or in other provisions of the Santa Barbara County Code, the Director shall use the Coastal Act definition, if any, or if there is no Coastal Act definition, determine the correct definition utilizing the latest edition standard dictionary.

When used in this Article, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to."

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to amend the existing definitions of "Planning Commission" and "Zoning Administrator" to read as follows:

Planning Commission: The Santa Barbara County Planning Commissions, including the Montecito Planning Commission, referred to in this Article as the "Commission" or "Planning Commission."

Zoning Administrator: A position authorized by Government Code Section 65900 *et seq.* of the California Government Code that pursuant to this Article and Section 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is authorized as created by ordinance which authorizes a hearing officer to hear and decide on applications including, but not limited to, Development Plans, Minor Conditional Use Permits, ~~Development Plans~~, Modifications and Variances in compliance with this Article. Within the Montecito Community Plan Area references to the Zoning Administrator shall mean the Montecito Planning Commission.

SECTION 4:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to add the following definitions of "Board" and "Department" to read as follows:

Board: The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Article as the “Board” or “Board of Supervisors.”

Department: The Santa Barbara County Planning and Development Department, referred to in this Article as the “Department” or the “Planning and Development Department.”

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144B, Applications That Are Within the Jurisdiction of More Than One Final Decision Maker, in its entirety and reserve the section number for future use.

SECTION 6:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144N, Road Naming and Address Numbering, to read as follows:

Section 35-144N Road Naming and Address Numbering.

Section 35-144N.1 Purpose and Intent.

This Section provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

Section 35-144N.2 Applicability.

A. Affected areas, roads, structures. The address numbering system will be implemented through the adoption of specific area wide systems by resolution of the Board of Supervisors after recommendation by the Planning Commission. The address numbering area wide systems are applicable to:

1. All roads and structures located within the boundaries of adopted area wide address numbering systems; and
2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted area wide address numbering system.

B. Existing road standards. The adoption and implementation of this Section shall not affect or supersede the County Department of Public Works Engineering Design Standards and other adopted standards relative to road construction, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

Section 35-144N.3 Area Wide Address Numbering System.

A. Boundaries. The boundaries of each area wide system shall be established by Board resolution after a recommendation by the Planning Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.

B. Maps.

1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the area wide address numbering systems.
2. Each adopted area wide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.

3. Each map adopted in compliance with this Section is available for public review in the Fire Department.

Section 35-144N.4 Road Name and Status Index.

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

Section 35-144N.5 Procedure, Standards and Signs.

A. Road names required. A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.

B. Naming or renaming an existing road.

1. **Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
2. **Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a. When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b. When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c. When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
3. **Public hearing.**
 - a. **Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection B.3.c (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - b. **Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing). Additionally, notice shall be provided in compliance with the following:
 - 1) **Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - 2) **Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Section 35-181 (Noticing).
 - c. **Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements.
 - 1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a) The notice shall include a statement that failure by a person to request a public

hearing may result in the loss of that person's ability to appeal any action taken on the road naming or renaming application.

- 2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Section 35-144N.5.B.3.c.1) is mailed.
- 3) If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the road naming or renaming application.
- 4) A listing of Road Naming or Renaming applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.

d. Action of decision-maker.

- 1) Action of the Zoning Administrator. The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
- 2) Action of the Director.
 - a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35-182 (Appeals).

e. Recording action. Upon the naming or renaming of the road, the road shall thereafter be known by the designated name.

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

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. Continuation of existing named road. A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

- 1) Submittal of application. An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
- 2) Contents of application. An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and shall be filed in conjunction with the application for the tentative map.
- 3) Review and approval. A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection D (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- 4) Appeal. The decision of the review authority is final subject to appeal in compliance with Section 35-182 (Appeals).

D. Road name selection. Each selected road name shall comply with the following standards.

- 1. Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
- 2. Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).
- 3. Continuity.**
 - a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
 - b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
 - c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.
- 4. Extra words.** Unnecessary words shall be avoided. Words that may be used are limited to the following:
 - a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
 - b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.

- 1. Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.
- 2. Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.
 - a. Each road name sign shall be installed in compliance with County requirements.
 - b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue or other color approved by the County.
 - c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
 - d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County requirements and Subsection F.3 (Signs for public roads) below.

3. Signs for public roads.

- a. Agencies responsible for road maintenance are responsible for providing road name signs for all roads within their jurisdictions. Road name signs for public roads shall comply with the County requirements for street name signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.
- b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

- a. Road name signs shall be required for each road created by the subdivision.
- b. Road name signs may be required for existing roads providing access to the subdivision.
- c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

Section 35-144N.6 Address Numbers - Procedures, Standards and Display.

A. Procedure for assigning address numbers.

1. **Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
2. **Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

1. **Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots), below, regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.
 - e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the United States Postal Service.
2. **Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply

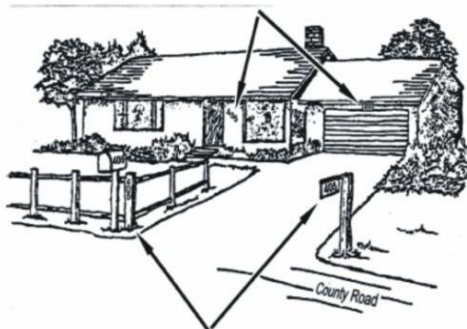
with Subsections B.1.a through B.1.c above.

- 3. Accessory structures.** Except for accessory dwellings, including residential second units, an accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.

C. Display of address numbers.

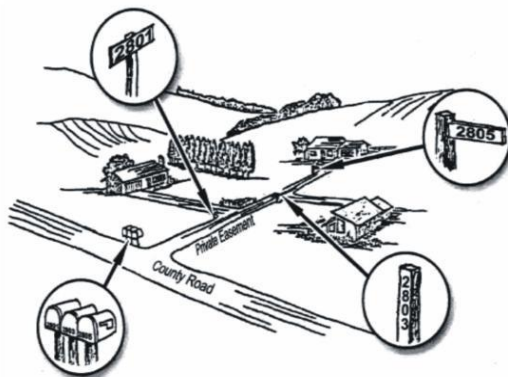
- 1. New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance with Subsections C.4 through C.6 below.
- 2. Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsections C.4 through C.6 below, and shall remove any obsolete number.
- 3. Ranching or agricultural operation over 200 acres.** The owner or tenant of a new or existing structure shall display the address number in compliance with Subsections C.4 through C.6 below.
- 4. Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color, or other height and color as approved by the Fire Department or applicable fire protection district.
- 5. Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 1 (Display of Address Numbers) illustrating the correct manner of display.
- 6. Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.
- 7. Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 3 Address Numbers on Mailboxes) below.

Suggested alternative location for numbers. Use the type which can be best seen from the road.



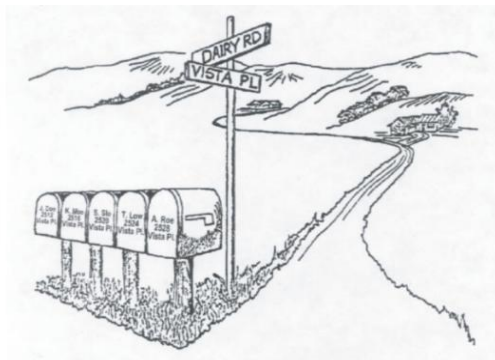
When house is some distance from the public road, place numbers on mailbox or on a post. Use reflective numbers which are at least three inches (3") in height and a color contrasting with the surface where placed.

Figure 1 - Display of Address Numbers



When Mailbox is NOT located in front of your house or when among a group of mailboxes, show number as show above.

Figure 2 - Display of Address Numbers



Where residences are located on private roads, but the mailbox is located in the County road, show name, number and road name. (Name of occupant is optional)

Figure 3 - Address Numbers on Mailboxes

Section 35-144N.7 Administration.

All road names and address numbers shall be issued by the Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the County Public Works Department or at its direction, in compliance with Section 35-144N.5 (Procedure, Standards and Signs) above.

Section 35-144N.8 Enforcement.

- A. Enforcement responsibility.** The Fire Department shall enforce this Section and all of its provisions.
- B. Citation and penalties.** A person who fails to comply with the requirements of this Section shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Section are established by County Code Section 1-7 (General Penalty).

SECTION 7:

DIVISION 8, Services, Utilities And Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-147, Processing, to read as follows:

Section 35-147. Processing.

No permits for development subject to the provisions of this Division shall be issued except in conformance with the following:

1. Development ~~subject to that requires~~ a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits) shall include, ~~but not be limited to~~ the development listed below:
 - a. Development that is less than 20,000 square feet of total development area as listed below.
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures;
 - c. Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial or recreational connection;
 - d. Utility lines for gas, electricity, television, telephone, or other similar utilities, proposed to serve less than five connections;
 - e. Pump or lift stations;
 - f. In-ground septic systems on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells, ~~as provided in that are exempt from the issuance of a Coastal Development Permit in compliance with~~ Section 35-169.2.
2. Development ~~subject to that requires~~ a Minor Conditional Use Permit ~~(Section 35-172 et seq.)~~ in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits):
 - a. Development that is 20,000 square feet or more of total development area including:
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Water production, storage, and treatment systems, including ~~but not limited to, shared water systems~~ multi-parcel water systems, state small community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve from two to 199 domestic, commercial, industrial or recreational connections;
 - c. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve less than 15 domestic, commercial, industrial, or recreational connections, or agricultural operations;
 - d. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H and MHP zoning districts;
 - e. Water diversion projects;

- f. ~~Septic tanks or~~ In-ground septic systems, including dry wells on all lots in designated a lot located in a Special Problem Areas that is designated as such due to for sewage disposal constraints.
 - g. Alternative waste disposal systems that utilize mound or evapo-transpiration systems.
 - h. Utility lines for gas, electricity, television, or other similar utilities, proposed to serve five or more connections;
 - i. Electrical substations subject to the performance standards and district requirements of the Public Works, Utilities and Private Service Facilities District, Section 35-88, excluding major electric transmission substations;
 - j. Uses, buildings, and structures accessory and customarily incidental or similar to the above uses.
3. Development ~~subject to that requires~~ a Major Conditional Use Permit ~~(Section 35-172 et seq.)~~ in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits):
- a. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve from 15 to 199 domestic, commercial, industrial, or recreational connections;
 - b. Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities;
 - c. Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections;
 - d. Electrical transmission lines;
 - e. Uses, buildings, and structures accessory and customarily incidental to the above uses.

SECTION 8:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.1 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a ~~Conditional Use Permit or Development Plan~~ discretionary permit.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
- a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. The Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit.
 - c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).

- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.
- f. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- g. Prior to approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Sections 35-181 (Noticing).
- h. Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 9:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.2 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

2. **Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan compliance with Section 35-169.4.3.** This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities and Residential Second Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and Residential Second Units on

lots located in residential zone districts shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
- b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
- c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

2) All other applications. Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and Residential Second Units), above, shall be processed in compliance with the following:

- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- e. b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2-e 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
- d. c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

e-d. Waiver of public hearing. The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements: If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of Coastal Development Permit applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.

- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the County's Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
- 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken ~~by the County of Santa Barbara~~ on the Coastal Development Permit application to the County of Santa

~~Barbara~~ and the Coastal Commission.

- 3) A written request for public hearing is not received by the ~~Planning and Development~~ Department within ~~the~~ 15 working days immediately following the date the notice, ~~required~~ in compliance with Section ~~35-169.4.2.e.2) 35-169.4.2.d.2)~~, above, is mailed.

~~If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.~~

~~f. The action of the decision maker is final subject to appeal in compliance with Section 35-182 (Appeals).~~

~~g.e.~~ No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section 35-169.4.2 shall not be issued or deemed effective:

- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

~~h.f.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, ~~unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.~~

~~i.g.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

~~j.h.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 10:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.3 of

Section 35-169.4 (Processing), of Section 35-169 (Coastal Development Permits), to read as follows:

3. **Coastal Development Permits processed in conjunction with a ~~Conditional Use Permit or a Final Development Plan~~ discretionary permit application.** This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a ~~Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174)~~ discretionary permit as specified in Subsection 3.a, below.

a. An application for a Coastal Development Permit processed in compliance with this Section 35-169.4.3 shall be processed concurrently and in conjunction with any associated application for a ~~Conditional Use Permit or a Final Development Plan~~ the following.

~~1) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) or Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit or Final Development Plan, including all phases of development that may be authorized by the Conditional Use Permit or Final Development Plan.~~

~~a) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit or Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.~~

1) **Conditional Certificates of Compliance.** An application for a Conditional Certificate of Compliance that is required to be recorded prior to the sale, lease or financing of a parcel of land that was not created in compliance with the laws and ordinances in effect at the time of the creation of the parcel.

2) **Conditional Use Permits.** An application for a Major Conditional Use Permit or a Minor Conditional Use Permit processed in compliance with Section 35-172 (Conditional Use Permits).

a) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit, including all phases of development that may be authorized by the Conditional Use Permit.

i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

3) **Demolition and Reclamation Permits.** An application for a Demolition and Reclamation Permit processed in compliance with Section 35-170 (Abandonment of Certain Oil/Gas Land Uses).

4) **Final Development Plans.** An application for a Final Development Plan processed in compliance with Section 35-174 (Development Plans).

a) An application for a Coastal Development Permit processed concurrently with a Final

Development Plan that includes a phasing plan in compliance with Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Final Development Plan, including all phases of development that may be authorized by Final Development Plan.

- i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Final Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.
- 5) **Lot Line Adjustment.** An application for a Lot Line Adjustment to adjust the lot lines between no more than four adjacent lots, where the land taken from one lot is added to an adjacent lot and where a greater number of lots than existed is not thereby increased.
- 6) **Modifications.** An application for a Modification processed in compliance with Section 35-179 (Modifications) if the Coastal Development Permit for the development requested by the Modification is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- 7) **Oil and Gas Exploration or Production Plans.** An application for an Oil and Gas Exploration or Production Plan processed in compliance with Section 35-176 (Oil and Gas Exploration and Production Plans).
- 8) **Tentative Map.** An application for a Tentative Map including a Vesting Tentative Map, the approval of which is required prior to the recordation of a Final Map or Parcel Map, as applicable, that subdivides improved or unimproved land for the purpose of sale, lease or financing.
- 9) **Variance.** An application for a Variance processed in compliance with Section 35-173 (Variances) if the Coastal Development Permit for the development requested by the Variance is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- b. The decision-maker for the ~~Conditional Use Permit or Final Development Plan~~ as applicable associated application described in Subsection 3.a, above, shall be the decision-maker for the Coastal Development Permit; ~~except as provided below:~~
 - 1) ~~The Zoning Administrator shall be the decision-maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Section 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~

If an application for a Coastal Development Permit processed concurrently and in conjunction with an application for a Final Development Plan under the jurisdiction of the Director in compliance with Section 35-174 (Final Development Plans) is for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the Zoning Administrator shall be the decision-maker for both the Coastal Development Permit and the Final Development Plan.
- c. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- d. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).

- ~~d-e.~~ The decision-maker shall review the Coastal Development Permit application for ~~conformance~~ compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- ~~e.~~ ~~For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).~~
- f. Public hearing requirement.**
- 1) Development that is not appealable to the Coastal Commission.** For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with ~~Section 35-174.6.6.b~~ the processing requirements of the associated application described in Section 35-169.4.3.a.
- ~~g.~~ **2) Development that is appealable to the Coastal Commission.** For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the ~~requested Coastal Development Permit request.~~
- ~~h-g.~~ Notice of the time and place of ~~any applicable~~ the public hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- ~~i-h.~~ The action of the decision-maker ~~on a Coastal Development Permit~~ is final subject to appeal in compliance with Section 35-182 (Appeals).
- 1) In compliance with Public Resources Code Section 30603, the approval or conditional approval of a Coastal Development Permit for appealable development, including a Coastal Development Permit approved or conditionally approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- a) An action by the decision-maker to deny a Coastal Development Permit for a major public works project or major energy facility is also appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- ~~2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~
- j-i. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section 35-169.4.3 shall not be issued or deemed effective:**
- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals);₂
- 2) Until the applicant has signed the Coastal Development Permit;₂
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied;₂
- 4) Until all other necessary prior approvals have been obtained;~~and~~₂
- 5) ~~Within~~ For projects that are appealable to the Coastal Commission, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- ~~k-j.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.
- ~~k-k.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- ~~m-l.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.6 (Expiration), of Section 35-169 (Coastal Development Permits), to read as follows:

Section 35-169.6 Permit Expiration and Extension.

1. Coastal Development Permits approved in compliance with Section 35-169.4.1 and 35-169.4.2.

- ~~a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- ~~b. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- ~~c. Prior to the expiration of such two year period in 1.b above, the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.~~

Approved or conditionally approved Coastal Development Permits. An approved or conditionally approved Coastal Development Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

2. Coastal Development Permits approved in compliance with Section 35-169.4.3.

- ~~a. The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval for one year if good cause~~

~~is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~

- ~~1) Prior to the expiration of a time extension approved in compliance with Subsection 2.a above, the decision maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- ~~b. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- ~~c. A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 2.a and/or 2.b above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).~~

Issued Coastal Development Permits. An issued Coastal Development Permit shall expire two years from the date of issuance and shall be considered void and of no further effect unless:

- a. The use, or structure for which the Coastal Development Permit was issued has been established or commenced in conformance with the issued Coastal Development Permit, or
 - b. An application for a Time Extension is submitted prior to the expiration of the issued Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
3. A Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) whose expiration date has been extended in compliance with Subsection 1 (Approved and conditionally approved Coastal Development Permits) and/or Subsection 2 (Issued Coastal Development Permits), above, will nevertheless expire at the earlier of:
- a. The expiration of the most recent time extension, or
 - b. The expiration of the discretionary application approved in conjunction with the Coastal Development Permit as modified by any extension thereto.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

Section 35-172.9 Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration.

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.

2. Permits required.

- a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:

- a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
- b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

2. b. Land Use Permit required. ~~Before the commencement of the development and/or use authorized by a Conditional Use Permit a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit if the approval of a Substantial Conformity Determination in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by the Conditional Use Permit.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Conditional Use Permit occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required by the County to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- a- 3) ~~Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.~~

If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.

c. Zoning Clearance required. In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.

- 1) A Zoning Clearance is not required for any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
- 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. Time limit, permit expiration and extension.

- a. Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit or Zoning Clearance, as applicable, shall be issued.
- 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. ~~The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.~~
 - 3) ~~The decision maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:~~
 - a) ~~A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~
 - b) ~~The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.~~
 - 4) ~~An approved~~ Conditional Use Permit shall expire and be considered void and of no further effect if:
 - a) ~~The required~~ time limit in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, has expired ~~and an extension has not been approved unless an application for a Time Extension is submitted prior to the expiration of the time limit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions), or~~
 - b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.
- b. Conditional Use Permits with approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit or Zoning Clearance, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.
- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
 - 2) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
 - 3) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.

- b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.
- 4) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit with a phasing plan in compliance with Section 35-169.4.3.a.1.
- 5) A Conditional Use Permit with an approved phasing plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

4. **Conditional Use Permit void due to discontinuance of use.** A Conditional Use Permit shall become void and ~~be automatically revoked~~ of no further effect if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months unless an application for a Time Extension is submitted prior to the expiration of the 12 month period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- a) ~~The time limit for discontinuance may be extended by the decision maker with jurisdiction over the project, in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) one time for good cause shown provided a written request that includes a statement of the reasons for the time extension request, is filed with the Planning and Development Department prior to expiration date.~~

The application for the Time Extension shall include a statement of the reasons why the Time Extension is requested.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

Section 35-174.9 Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration.

- 1. ~~**Coastal Development Permit required.**~~ Prior to the commencement of the development and/or authorized use permitted by the Final Development Plan, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.

2. Permits required.

- a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by:

- 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
- 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

- 2. **b. Land Use Permit required.** ~~Before the commencement of development and/or use allowed by a Final Development Plan a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in

compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of development and/or authorized use allowed by the Final Development Plan if the approval of a Substantial Conformity Determination in compliance with Section 35-174.10 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by the Final Development Plan.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Final Development Plan occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- a. 3) Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following the approval of the Coastal Development Permit by the Coastal Commission.

If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a (Coastal Development Permit required), above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.

- c. Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Final Development Plan.

- 1) A Zoning Clearance is not required by any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
- 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. Time limit, permit expiration and extension.

- a. A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the decision maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.

Preliminary Development Plans. An approved or conditionally approved Preliminary Development Plan shall expire two years from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to expiration of the

approved or conditionally approved Preliminary Development Plan and subsequently approved or conditionally approved.

b. Final Development Plans.

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the ~~Comprehensive~~ Coastal Land Use Plan maps, for lots with a base zone of AG-II and no designated ~~Comprehensive~~ Coastal Land Use or zoning overlays, an approved or conditionally approved Final Development Plans for agricultural development shall expire 10 years after following the effective date of the approval and shall be considered void and of no further effect unless:
 - i) sSubstantial physical construction has been completed on the development in compliance with an issued Coastal Development Permit, or
 - ii) a time extension is approved in compliance with Subsection b)3), below An application for a Time Extension is submitted prior to the expiration of the 10-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
 - b) **Final Development Plans for other than agricultural developments.** Except as provided in Subsection 3.b.1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years ~~after~~ following the effective date of the approval and shall be considered void and of no further effect unless:
 - i) sSubstantial physical construction has been completed on the development, or
 - ii) a time extension is approved in compliance with Subsection b)3), below An application for a Time Extension is submitted prior to the expiration of the five-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
 - c) ~~**Time extensions.** The decision-maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~
 - i) ~~The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.~~
 - ii) ~~The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.~~
- 2) **Final Development Plans with approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Zoning Clearance or Land Use Permit, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.

- a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
- b) If the required time limit(s) in which ~~to obtain~~ the Land Use Permit or Zoning Clearance, as applicable, for the first phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.
- c) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, for any subsequent phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 3.b.2)c)i, above.
- d) A Coastal Development Permit shall be processed concurrently and in conjunction with a Final Development Plan with a phasing plan in compliance with Section 35-169.4.3.a.1.
- e) The Final Development Plan shall be considered to be void and of no further effect if the Coastal Development Permit approved in conjunction with the Development Plan has expired.

SECTION 14:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.3, Contents of Exploration Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 11 to read as follows:

11. An application for a Coastal Development Permit for the development requested by the Exploration Plan application shall also be submitted and processed concurrently and in conjunction with the Exploration Plan application except as follows:
- a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.8, Contents of Production Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 6 to read as follows:

6. An application for a Coastal Development Permit for the development requested by the Production Plan application shall also be submitted and processed concurrently and in conjunction with the Production Plan application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 16:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Section 35-176.12 titled "Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan" and to read as follows:

Section 35-176.12 Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan.

1. Prior to the commencement of the development and/or authorized use permitted by an Exploration Plan or Production Plan, a Coastal Development Permit and a Zoning Clearance authorizing such development shall be issued.
2. **Permits required.**
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development allowed by an Exploration Plan or Production Plan either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development allowed by an Exploration Plan or Production Plan.
 - 1) Under this Subsection 2.b (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by an Exploration Plan or Production Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
 - 2) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 5. of

Section 35-178.4, Processing, of Section 35-178, Land Use Permits, to read as follows:

5. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment; unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors unless or (2) the effective date of a Preliminary or Final Development Plan was approved in compliance with Section 35-174 (Development Plans) by the County before precedes the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Permit Expiration and Extension.

1. ~~The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the effective date of decision maker action except that a Land Use Permit approved or conditionally approved and unissued as of November 14, 2013 shall be valid for 12 months following November 14, 2013. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Approved and conditionally approved Land Use Permits. Except as provided in Subsection 1.a, below, an approved or conditionally approved Land Use Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- a. An unexpired, approved or conditionally approved Land Use Permit that has not been issued as of November 14, 2013 shall expire on November 14, 2014 and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
2. ~~A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Issued Land Use Permits. An issued Land Use Permit shall expire two years from the date of issuance and shall be considered void and of no further effect unless:

- a. The use or structure for which the Land Use Permit was issued has been established or commenced in conformance with the issued Land Use Permit, or
- b. An application for a Time Extension is submitted prior to the expiration of the issued Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance,

of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.7, Expiration, of Section 35-179, Modifications, to read as follows:

Section 35-179.7 Permit Expiration and Extension.

1. Unless otherwise specified by conditions of project approval, an approved or conditionally approved Modification shall expire one year from the effective date of approval and shall be considered void and of no further effect if a unless:
 - a. A Coastal Development Permit has not been issued for the modified building or structure- that is the subject of the Modification, or
 - b. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown.

An application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Modification and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
2. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.

If the Coastal Development Permit for the structure that is the subject of the Modification expires, then the Modification shall also expire and be considered void and of no further effect.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete existing Section 35-179A, Time Extensions Due to Economic Hardship, in its entirety and replace with a new Section 35-179A titled "Zoning Clearances" to read as follows:

Section 35-179A Zoning Clearances.

1. **Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection 2. (Applicability), below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County.
2. **Applicability.**
 - a. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Article unless other requirements of this Article specify that the Zoning Clearance is not required or that the activity is exempt from the approval of a planning permit in compliance with Section 35-169.2 (Applicability). A Zoning Clearance shall not take the place of a required Coastal Development Permit.
 - b. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy:
 - 1) All conditions of approval of a Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit.
 - 2) All conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final and Parcel Maps, Development Plans).
3. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

4. Processing.

- a. Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
- 1) All necessary prior approvals have been obtained.
 - 2) The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and if applicable, that zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on nonconforming structures and uses in compliance with Division 10 (Nonconforming Structures and Uses).
- b. Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, is final and not subject to appeal.
- c. Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35-184 (Board of Architectural Review).
- d. Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Major Conditional Use Permit or Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) or a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Major Conditional Use Permit or Minor Conditional Use Permit or Preliminary or Final Development Plan.

5. Permit expiration and extension.

- a.** A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Article and the Zoning Clearance conditions continues.
- b.** An issued Zoning Clearance shall expire two years from the date of issuance and shall be considered void and of no further effect unless:
- 1) The use or structure for which the Zoning Clearance was issued has been established or commenced in compliance with the issued Zoning Clearance, or
 - 2) An application for a Time Extension is submitted prior to the expiration of the Zoning Clearance and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

6. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance may be allowed provided the changes substantially conform to the issued Zoning Clearance. A request to allow a minor change shall be processed in compliance with the following:

- a.** The Director may approve a minor change to a Zoning Clearance, subject to all of the following:
- 1) The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit.
 - 2) There is no change in the use or scope of the development.

- 3) The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings.
 - 4) The Zoning Clearance has not expired.
 - 5) The minor change is exempt from Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. Where a minor change of an issued Zoning Clearance is approved, the Zoning Clearance shall have the same effective and expiration dates as the original Zoning Clearance and no additional public notice shall be required.
 - c. Where it cannot be determined that the minor change materially conforms to an approved or issued Zoning Clearance in compliance with the above criteria, a new Zoning Clearance shall be required.
 - d. The determination to allow a minor change to an issued Zoning Clearance is final and not subject to appeal.
7. **Zoning Clearance revocation.** Issuance of a Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development in compliance with the following:
- a. **Notification.** Written notice of such Revocation shall be provided to the permittee.
 - b. **Appeal.** The action of the Director to revoke a Zoning Clearance is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 21:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179B titled "Time Extensions" to read as follows:

Section 35-179B. Time Extensions.

- A. Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Article.
- B. Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Section 35-57A (Application Preparation and Filing).
- D. Processing.** References to decision-maker in this Section 35-179B (Time Extensions), including the following Table 11-1 (Permit Expiration and Time Extensions), shall mean the decision-maker responsible for reviewing and making a decision on the specific planning permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) unless a specific decision-maker (e.g., Board, Director, Planning Commission, Zoning Administrator) is otherwise identified.

Table 11-1 Permit Expiration and Time Extensions

<u>Type of Permit</u>	<u>Permit Expiration</u>	<u>Number and Length of Time Extensions</u>	<u>Time Extension Decision-maker</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Director (1)</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Director</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Zoning Administrator</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Zoning Administrator</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Planning Commission</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Planning Commission</u>
<u>Coastal Development Permits that have been issued</u>	<u>Two years following date of issuance</u>	<u>One time for 12 months</u>	<u>Director</u>
<u>Conditional Use Permits, Major</u>	<u>18 months from effective date or other approved time period</u>	<u>One time, length of extension to be determined at time of approval</u>	<u>Planning Commission</u>
<u>Conditional Use Permits, Minor</u>	<u>18 months from effective date or other approved time period</u>	<u>One time, length of extension to be determined at time of approval</u>	<u>Zoning Administrator</u>
<u>Design Review</u>	<u>See Note (3)</u>		
<u>Development Plans, Final</u>	<u>Five years from effective date</u>	<u>One time for 12 months (4)</u>	<u>Initial decision-maker</u>
<u>Development Plans, Preliminary</u>	<u>Two years from effective date</u>	<u>One time for 12 months (4)</u>	<u>Initial decision-maker</u>
<u>Emergency Permits</u>	<u>See Note (5)</u>	<u>N/A</u>	<u>N/A</u>
<u>Land Use Permits, approved or conditionally approved</u>	<u>One year following effective date</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Land Use Permits, issued</u>	<u>Two years from date of issuance</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Modifications</u>	<u>See Note (6)</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Zoning Clearances</u>	<u>Two years from date of issuance</u>	<u>One time for 12 additional months</u>	<u>Director</u>

Notes:

- (1) This includes applications for time extensions where the requirement for a public hearing has been waived by the Director.
- (2) The expiration of a Coastal Development Permit approved in conjunction with a discretionary permit may be extended for two additional two year periods.
- (3) Board of Architectural Review approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit), including time extensions, expires. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except that the Director may grant an extension of the approval if an active development permit is being processed by the Department.
- (4) A Development Plan (Preliminary or Final) shall expire 12 months from the effective date of the time extension or two years from the initial effective date of approval of the Development Plan, whichever occurs first.
- (5) The Director may specify an expiration date at the time of permit approval.
- (6) A Modification shall expire one year from the effective date if a Coastal Development Permit has not been issued for the development. Once the Coastal Development Permit has been issued, the Modification shall have the expiration date as the issued Coastal Development Permit.

1. Coastal Development Permits.

- a. Approved and conditionally approved Coastal Development Permits.** The decision-maker responsible for reviewing and making a decision on the Coastal Development Permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the

application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.

2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).

3) **Decision and hearing.**

a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.

b) **Applications under the jurisdiction of the Planning Commission or Zoning Administrator.**

i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.

ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

5) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.

6) If the initial expiration of a Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) was extended in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits), above, then the decision-maker may approve two additional time extensions for two years each for good cause in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits).

b. Issued Coastal Development Permits. The Director may extend the expiration of an issued Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:

1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.

2) Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).

3) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.

4) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

5) A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.

2. Conditional Use Permits and Minor Conditional Use Permits.

- a. The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Section 35-172.9.2 (Permit expiration and extension) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve, or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-172.8 (Findings Required for Approval) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.
- b. **Discontinuance of use.** The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit that a Conditional Use Permit or Minor Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Section 35-172.9.4 (Conditional Use Permit void due to discontinuance of use) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

3. Development Plans (Preliminary and Final).

- a. **Extension of permit approval.** The decision-maker responsible for reviewing and making a decision on the Development Plan in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
- 3) **Decision and hearing.**
 - a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b) **Applications under the jurisdiction of the Commission or Zoning Administrator.**
 - i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- 4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
- 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-174.7 (Findings Required for Approval) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. **Expiration.** A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.
4. **Land Use Permits.** The Director may extend the expiration of an approved or conditionally approved, or an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) that were made in conjunction with the initial approval of the Land Use Permit can still be made.
5. **Modifications.** The Director may extend the approval of an approved or conditionally approved Modification one time for 12 additional months for good cause shown- in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

- b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-179.6 (Findings Required for Approval) that were made in conjunction with the initial approval of the Modification can still be made.
- 6. Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:
- a. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b. The action of the Director is final and is not subject to appeal.
 - c. A Time Extension shall be approved or conditionally approved only if the Director first determines that the determination that was made in compliance with Section 35-179A.4 (Processing) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.
- 7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.7.a, above, is mailed.
 - c. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Time Extension application.
 - d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available hearing agenda of the decision-maker who would otherwise have jurisdiction over the Time Extension application following the mailing of the notice.
- 8. Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director may extend the expiration of a planning permit for additional 24 month periods for good cause in compliance with the following:
- a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing economic downturn. Examples of economic hardships may include (but are not limited to):
 - 1) Commencing the construction of the project at this time would be unprofitable due to current loan interest rates,
 - 2) Loans are not available to fund the construction of the project, or

- 3) The purchase price of the property for which the permit was approved is greater than the current assessed valuation as determined by the County Assessor.
- b. The application for the Time Extension shall be filed with the Department in compliance with the following:
 - 1) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
 - 2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
 - 3) The applicant shall include in the application a written statement of the reasons for the economic hardship time extension request.
- c. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
- d. **Findings required for approval.**
 - 1) A time extension application shall be approved only if the Director first finds that:
 - a) All of the findings for approval that were made in conjunction with the initial approval pursuant to Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit), Section 35-172.8 (Findings Required for Approval of a Conditional Use Permit), Section 35-174.7 (Findings Required for Approval of a Preliminary or Final Development Plan), Section 35-178.5 (Findings Required for Approval of a Land Use Permit) or Section 35-179.6 (Findings Required for Approval of a Modification), as applicable, can still be made, and
 - b) Approving the application for time extension will not result in impacts to coastal resources including public access to the shoreline or along the coast, recreation, scenic resources, and sensitive habitats, that may result from the continued delay in the construction of the project for which the time extension is sought.
 - i) If the Director determines that approving the application for the time extension may result in impacts to coastal resources due the delay in the construction of the project, then the Director may approve the application subject to conditions of approval that will allow the Director to make the finding required by Subsection D.8.d.b), above.
 - 2) If the Director cannot make all of the applicable findings required in compliance with Subsection D.8.d (Findings required for approval), above, (e.g., special conditions or mitigation measures required in the initial approval would not ensure compliance with the applicable policies of the Comprehensive Plan, including the Coastal Land Use plan), then the application for the time extension shall be denied.
- e. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Subsection D.8 (Time extensions due to economic hardship) shall expire and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

- E. Effect of expiration.** After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 22:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-181 (Noticing) to read as follows:

Section 35-181. Noticing.

Section 35-181.1 Purpose and Intent.

~~The purpose of this section is to set forth~~ This Section establishes the minimum requirements for providing notice of a public hearing and other required noticing, ~~and public hearing provisions and procedures.~~

Section 35-181.2 Notice of Public Hearing and Decision-Maker Action.

~~1. **Minimum Requirements.** Notice shall be given in compliance with Sections 65090-65096 of the Government Code for all projects that require a noticed public hearing or notice of decision by the Director and the following minimum requirements:~~

A. Minimum noticing requirements for projects that require a public hearing or a discretionary notice of decision-maker action. Notice shall be given by the Department in compliance with Government Code Sections 65090 - 65096 for all projects that require a noticed public hearing or notice of decision-maker action, including notice of the application and pending action on a Coastal Development Permit processed in compliance with either Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3) or Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application). Each notice shall comply with the following minimum requirements.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Newspaper publication. Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

b. Mailed notice. ~~Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:~~

~~1) Any person who has filed a written request for notice and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~

~~2) The applicant(s).~~

~~3) Owners of the subject lot, if different from the applicant.~~

~~4) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~

~~5) Residents located within a 100-foot radius of the exterior boundaries of the subject lot.~~

~~6) The Coastal Commission.~~

~~7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~

1) Notice of filing of an application. Notice of the filing of an application shall be mailed no later than 15 calendar days following the Department's determination that an application is complete for processing to:

- a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - b) The applicant.
 - c) The owner of the subject lot, if different from the applicant.
 - d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - e) All residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - f) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunications Facilities) or Section 35-144G (Non-commercial Telecommunications Facilities).
 - g) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - h) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - i) The Coastal Commission.
- 2) **Notice of public hearing or decision-maker action.** Notice of public hearing or decision-maker action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.1) (Notice of filing of an application), above.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.1) (Notice of filing of an application), above, and A.1.b.2) (Notice of public hearing or decision-maker action), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
- a) Notice of the filing of an application shall be published no later than 15 calendar days following the Department's determination that an application is complete.
 - b) Notice of public hearing or decision-maker action shall be published at least 10 days before the scheduled hearing or action.
 - c) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1.b (Mailed notice) where mail delivery is available to

addresses appearing on the equalized County assessment roll.

4) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

c. **Optional notice to more than 1,000 owners of property.** If the number of owners ~~and residents~~ to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice required by Subsection A.1.a (Newspaper publication), above, and Subsection A.1.b.2) (Notice of public hearing or decision-maker action), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

d. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department) no later than 15 calendar days following the Department's determination that an application is complete for processing.

~~2.~~ e. **Contents of Notice.** The contents of the notice shall be in compliance with Section ~~35-181.4~~ 35-181.8.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. **Posted notice.**

1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

a) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

b) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Development Plan in compliance with Section 35-174 (Development Plans), not including applications for Development Plans required solely in compliance with Section 35-169.2.2.

c) Applications for legislative actions under the jurisdiction of the Board.

3) Said notice shall be posted by the applicant:

a) At least 10 days before the scheduled public hearing or decision-maker action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

4) The notice shall be continuously posted from the date required by Subsection A.2.a.3), above, until at least 10 days following an action of the decision-maker to approve,

conditionally approve, or deny the application, including an action on an appeal of the decision of the decision-maker.

- 5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled initial public hearing or action by the decision-maker. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the decision-maker.

~~3. **Continuances.** If a public hearing on a project is continued by the local government to a time which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.~~

Section 35-181.3 Coastal Development Permits and Land Use Permits Noticing.

~~1. **Minimum Requirements.** Notice of the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and Land Use Permits that do not follow a previous discretionary action shall be given in compliance with the following:~~

~~a. **By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:~~

- ~~1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
- ~~2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~
- ~~3) Said notice shall be posted pursuant to Subsection 1) above and/or mailed no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted or mailed less than:
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review, or;~~
 - ~~b) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.~~~~
- ~~4) The posted notice shall be required to be continuously posted from the date required by Subsection 3), above and shall remain posted for a minimum of 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.~~
- ~~5) Mailed notice shall be provided to the applicant(s).~~
- ~~6) Mailed notice shall be provided to the owner(s) of the subject lot, if different from the applicant.~~
- ~~7) Mailed notice shall be provided to all owners and residents located within a 100 foot radius of the exterior boundaries of the subject lot.~~
- ~~8) Mailed notice shall be provided to the Coastal Commission.~~
- ~~9) Mailed notice shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below.~~

- ~~a) Development that requires Design Review in compliance with Section 35-184 (Board of Architectural Review);~~
- ~~b) A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling;~~
- ~~c) A new accessory structure in excess of 120 square feet or an addition to an existing accessory structure that would exceed 120 square feet;~~
- ~~d) A change in the allowed use of a structure;~~
- ~~e) Home occupations where clients come to the dwelling where the home occupation is conducted;~~
- ~~f) Residential second units, and additions thereto, as may be allowed in compliance with Section 35-142 (Residential Second Units);~~
- ~~g) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35-143.2 (Community Care Facilities);~~
- ~~h) Commercial telecommunication facilities, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities); and~~
- ~~i) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35-144G.3.1 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- ~~10) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~
- ~~11) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~12) The contents of the notice shall be in compliance with Section 35-181.4.~~

A. Minimum requirements. Notice of the application and pending action on a Coastal Development Permit processed in compliance with Section 35-169.4.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a discretionary permit) or a Land Use Permit processed in compliance with Section 35-178 (Land Use Permits) shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).

- d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- e) The Coastal Commission.
- 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and:
 - i) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - ii) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
- b. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - 1) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - 2) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.
- b2. **By the applicant.** Notice shall be given by the applicant in compliance with the following:
 - 1) **a. Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously

post a notice adjacent to each street frontage in a location that can be viewed from the street.

- 2)b. ~~The language and form of the notice shall be provided to the applicant by the Planning and Development Department. The contents of the notice shall be in compliance with Section 35-181.4. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
- 3)c. ~~Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted less than, and:~~
 - a1) ~~If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review; or~~
 - b2) ~~If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven Seven days before an action by the Director to approve, conditionally approve, or deny the a Coastal Development Permit or Land Use Permit.~~
- 4)d. ~~Notice required to be posted~~ The notice shall be continuously posted for a minimum of 17 days from the date prescribed pursuant to subsection 3), above until at least from the date required by Subsection A.2.c, above, and shall remain posted for a minimum of 10 calendar days following the decision an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- 5)e. ~~The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other required documentation required by the Director with the Planning and Development Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or seven days before an prior to the action by the Director to approve, conditionally approve, or deny issue the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of postponement of the action on the Coastal Development Permit or Land Use Permit.~~

~~2. Minimum Requirements for Land Use Permits Following a Previous Discretionary Action. Notice of a decision on a Land Use Permit following a previous discretionary action and with the same project description shall be given in compliance with the following:~~

~~a. By the Planning and Development Department. Notice shall be given by the Planning and Development Department in compliance with the following:~~

- 1) ~~The Planning and Development Department shall conspicuously post notice at public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
- 2) ~~Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self addressed stamped envelopes.~~
- 3) ~~Said notice shall be mailed and posted no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be mailed and posted less than and:~~
 - a) ~~10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - b) ~~10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- 4) ~~Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to~~

~~approve, conditionally approve, or deny the Land Use Permit.~~

- ~~5) Mailed notice shall be provided to all owners and residents located within a 100 foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- ~~6) Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~
- ~~7) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~8) The contents of the notice shall be in compliance with Section 35-181.4.~~
- b. By the applicant.** ~~Notice of an application and pending decision on a Land Use Permit shall be given by the applicant in compliance with the following:~~
 - ~~1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
 - ~~2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Section 35-181.4.~~
 - ~~3) Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be posted less than:~~
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - ~~b) 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~
 - ~~4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
 - ~~5) The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Land Use Permit.~~

3. Contents of Notice. ~~The contents of the notice shall be in compliance with Section 35-181.4.~~

Section 35-181.4 Notice of Final Action of Coastal Development Permits Appealable to the Coastal Commission.

- 1. Provision of notice.** For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35-182 (Appeals), a Notice of Final Action of the approval or conditional approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.
- 2. Notice within seven days.** The notice shall be mailed within the seven calendar days following the County's final action on the Coastal Development Permit. An action shall be considered final only after exhaustion of County appeal procedures.
- 3. Contents of notice.** The notice shall include the following:
 - a. The applicable decision-maker.**

- b. The date of final action.
- c. The status of any appeals.
- d. The conditions of approval of the Coastal Development Permit.
- e. The findings of the Coastal Development Permit.
- f. The procedure for appeal of the County's final action to the Coastal Commission.

Section 35-181.5 **Design Review.**

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - i) Within the Toro Canyon Plan Area mailed notice shall also be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.

b. Posted notice. The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).

c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.

- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, until at least 10 days following final action by the Board of Architectural Review.
- e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

2. By the applicant. Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), notice shall be given by the applicant in compliance with the following:

- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Board of Architectural Review, including conceptual review.
- d. The notice shall be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Board of Architectural Review to grant final approval.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Section may result in postponement of the review by the Board of Architectural Review.

Section 35-181.6 Emergency Permits.

A. Minimum requirements. Notice of the application for an Emergency Permit shall be given in compliance with the following:

1. Mailed notice.

- a. The Department shall provide mailed notice to:
 - 1) All owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
 - 2) All residents within a 100 foot radius of the exterior boundaries of the affected property.
- b. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- c. **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - 1) Publication of the notice is not required to precede the actual commencement of the emergency work.

- 2) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (Mailed notice) where mail delivery is available to addresses appearing on the equalized County assessment roll.
2. **Posted notice.** The Department shall also conspicuously post a notice in three locations on the subject lot.
3. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.
4. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.7 Time Extensions for Applications Under the Jurisdiction of the Director.

A. Minimum requirements. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.

1. **By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. **Newspaper publication.** If the Director is the decision-maker on an application because the requirement for a hearing on the application has been waived in compliance with this Article, then notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - b. **Mailed notice.**
 - 1) Except as provided in Subsection A.1.b.3), below, mailed notice shall be provided to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).
 - d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - e) The Coastal Commission.
 - 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.

- b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
- c) **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d) The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- e) The posted notice shall be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
- f) The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.4-8 Contents of Notice.

1. **Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
 - a. The date of filing of the application and the name of the applicant.
 - b. The ~~Planning and Development~~ Department case number assigned to the application.
 - c. The name of the ~~Planning and Development~~ Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 - d. A description of the project, its location, and a statement that the project is located within the Coastal Zone.
2. **Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
 - a. All information required by Subsection 1-: (Notice for all projects), above.
 - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action or decision of the decision-maker is required.
 - c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
 - d. The procedure for Coastal Commission appeals, including any required appeal fees, if applicable.
 - e. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Section 35-144F (Commercial Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35-181.10 (Hearing Procedure) below.
3. **Notice for projects that do not require a public hearing or other discretionary decision-maker action.** The following shall be included in all notices for projects that do not require a public hearing or

discretionary action by a decision-maker not including notices that are required to be posted by the applicant.

- a. All information required by Subsection 1 (Notice for all projects), above.
- b. A general description of the County procedures concerning the review of the application ~~for the Coastal Development Permit or Land Use Permit~~, including:
 - 1) How to participate in the review of the application ~~for the Coastal Development Permit or Land Use Permit~~;
 - 2) How to receive notification of any pending review ~~by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review)~~, if applicable, ~~and or~~ action to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~; application.
 - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~; application.
 - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~ application.
- c. ~~The~~ If applicable, the date of the pending decision on the application ~~the Coastal Development Permit or Land Use Permit~~, and ~~where applicable~~, the date of expiration of the appeal period.
- d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the ~~subject requested Coastal Development Permit or Land Use Permit~~ application, excluding Land Use Permits that follow a previous discretionary approval.

~~Section 35-181.5 Notice of Final Action for Coastal Development Permits Appealable to the Coastal Commission.~~

~~For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section 35-182.6, Appeals to the Coastal Commission), notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department. Said notice shall be given within five calendar days of the final action. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.~~

Section 35-181.62 Failure to Receive Notice.

The failure of any person or entity to receive notice given in compliance with this Section or in compliance with State Law (Government Code Sections 65090 - 65096) shall not invalidate the actions of the ~~Planning and Development~~ Department or the applicable decision-maker.

Section 35-181.10 Hearing Procedure.

- 1. Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
- 2. Hearing may be continued.**
 - a. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the decision-maker announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 - b. If a public hearing on a project is continued by the local government to a time which is neither (1) previously stated in the notice nor (b) announced at a hearing as being continued to a date, time, and place to which the hearing will be continued, notice of the further hearing(s) shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), above.

- 3. Deferral of final decision.** The decision-maker may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

SECTION 23:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection H, Special Processing Requirements, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

- H. Special Processing Requirements.** The following requirements apply to applications for Coastal Development Permits or Land Use Permits or Zoning Clearances that also require review by the Board of Architectural Review:
1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but prior to the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance for such project.
 2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.
 3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, then a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to:
 - a. A decision to approve or conditionally approve a Coastal Development Permit, or
 - b. A decision to issue Zoning Clearance.

SECTION 24:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2, Director Decisions, of Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of Section 35-182, Appeals, to read as follows:

- 2. Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
- a. Any determination on the meaning or applicability of the provisions of this Article~~;~~
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943~~;~~
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit, ~~or~~ Land Use Permit, or Zoning Clearance.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.

- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
- h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 25:

Except as amended by this Ordinance, Division 1, 2, 7, 8, 11 and 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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
COUNTY OF SANTA BARBARA

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

SANTA BARBARA COUNTY PLANNING COMMISSION
Article II Coastal Zoning Ordinance Minor Amendment

Hearing Date: April 2, 2014

Staff Report Date: March 24, 2014

Case Nos. 12ORD-00000-00014

Environmental Document: CEQA Guidelines Sections 15061(b)(3) and Section 15265

Assistant Director: Dianne Black

Staff Contact: Noel Langle

Phone No.: (805) 568-2067

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission review the recommendation of the Montecito Planning Commission and adopt a resolution recommending that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00014) amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, Division 11, Permit Procedures, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C.

The proposed ordinance amendment implements new regulations and make other clarifications, corrections and revisions regarding the following:

- **Authority for land use and zoning decisions** - Include a new table that provides in one location the decision-makers and appeal bodies for the different permit processes.
- **Concurrent processing of Coastal Development Permits with discretionary applications** - Revise the existing procedures that require the concurrent processing of a Coastal Development Permit with Conditional Use Permits, Demolition and Reclamation Permits, Final Development Plans and Modifications to specify that these procedures also apply to discretionary applications for Oil and Gas Exploration/Production Plans and Variances.
- **Definitions** - Revise the introductory paragraph of Section 35-58 (Definitions) to be more consistent with the County and Montecito Land Use and Development Codes.
- **Noticing requirements** - Revise the procedures for providing public notice of projects to be more consistent with the County and Montecito Land Use and Development Codes.
- **Permit expiration and time extensions** - Clarify the existing procedures and development standards regarding permit expiration and time extensions, and add a new section that places all the procedures regarding time extensions in one location.
- **Private services** - Amend Division 8 (Services, Utilities and Other Related Facilities) to be consistent with Public Health Department terminology.
- **Residential second units and solar energy facilities permit process** - Clarify the jurisdiction and hearing and noticing requirements for applications for certain residential second units and solar energy facilities in situations where State law prohibits a discretionary review process.
- **Road naming and street addressing** - Add new procedures and development standards for naming and renaming public and private roads and addressing property.

- **Single projects with multiple applications** - Clarify the existing language regarding decision-maker jurisdiction over separate applications that involve the same project.
- **Waived hearing process** - Clarify the existing language regarding the timing of when projects, where the public hearing is proposed to be waived, are listed on the Zoning Administrator's or Montecito Planning Commission's agenda, and add new procedures to allow waived public hearings for applications for time extensions.
- **Zoning Clearance process** - Add the Zoning Clearance process and allow the use of a Zoning Clearance to act as the follow-on zoning permit to allow the commencement of construction of projects that have been permitted through a discretionary process.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend to the Board of Supervisors that the Board approve Case No. 12ORD-00000-00014 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Recommend to the Board of Supervisors that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A);
2. Recommend to the Board of Supervisors that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a resolution recommending that the Board of Supervisors approve Case No. 12ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the County Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the County Planning Commission may make recommendations to the Board of Supervisors on text amendments to the Article II Coastal Zoning Ordinance of Chapter 35 of the County Code that will affect land use decisions within the Coastal Zone.

4.0 ISSUE SUMMARY AND BACKGROUND

4.1 General Information. The Planning and Development Department is committed to keeping the zoning ordinances accurate and up-to-date by routinely processing amendments that address emerging issues, and correct and clarify existing language, in order to better ensure that regulations keep pace with current trends and policies, as well as State law. The following amendments:

- Implement requirements of State planning and zoning law.

- Implement process improvements that were previously made to the County and Montecito Land Use and Development Codes (LUDCs) but were not made to the Article II Coastal Zoning Ordinance (Article II) due to the on-going effort at that time to replace Article II with the LUDCs.
- Revise existing procedures and requirements to be consistent with the LUDCs.
- Streamline the permit process.
- Clarify existing procedures and requirements.
- Correct errors and omissions.

Montecito Planning Commission review. This ordinance amendment was presented to the Montecito Planning Commission at their February 19, 2014 hearing. The Montecito Planning Commission adopted Resolution 14-05 that recommends that your Commission recommend that the Board of Supervisors approve the ordinance with three revisions regarding street addressing and time extensions. These revisions are described in the following Section 5.0 Project Description.

Coastal Commission review. The Coastal Commission staff reviewed and provided minor suggested revisions to the proposed amendment; however, these revisions were not received in time to present them to the Montecito Planning Commission. The Department revised the proposed language of the ordinance amendment in response to these revisions which are discussed in the following Section 5.0 Project Description.

5.0 PROJECT DESCRIPTION

This project constitutes an amendment to the County's certified Local Coastal Program and therefore is required to be submitted to the Coastal Commission for approval. This amendment will be submitted as a "minor amendment" as allowed by the California Public Resources Code Section 30514(c) and Section 13554 of Title 14 of the California Code of Regulations. These code sections provide that:

1. Minor amendments include:
 - Changes in wording which make the use as designated in the zoning ordinances, zoning maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Coastal Commission or the Coastal Commission to be consistent with the land use plan as certified by the Coastal Commission.
 - Changes in the notification and hearing procedures that are consistent with the requirements of the Coastal Act.
2. Minor amendments are not subject to the three per year limit on the number of submittals.
3. If, after review of the amendment by the Executive Director of the Coastal Commission, the Executive Director determines that the amendment qualifies as a minor amendment, then:

- Notice of this determination is provided to known interested parties and the Executive Director reports his determination in writing to the Coastal Commission at the next meeting along with any objections to the determination that have been received.
- If one-third of the appointed members of the Coastal Commission object to the determination, then the determination of minor amendment does not become effective and the amendment is then subject to review and hearing by the Coastal Commission.

Also, as allowed by Section 13551(b)(1) of Title 14 of the California Code of Regulations, the County intends to request that the amendment take effect immediately upon action by the Coastal Commission without further action by the Board of Supervisors. In this case this amendment will take effect following concurrence by the Coastal Commission with the Executive Director's determination that the amendment qualifies as a minor amendment.

The complete text of the ordinance amendment is contained in Exhibit 1 of Attachment C. In Attachment C, proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates sections where the text is unchanged and has been omitted for the sake of brevity.

The following summary of the proposed revisions and their purposes includes references to the sections within the actual ordinance where the specific text revisions may be found. The ordinance amendment also includes minor corrections and language revisions that do not materially change the existing regulations and serve only clarify or correct existing language. These revisions are not discussed in this staff report but are shown through the use of strikethroughs and underlines in Attachment C.

5.1 Amendments required by State law.

Residential second units and solar energy facilities permit process (Attachment C SECTION 9, pages 13 and 14).

The California Government Code requires that applications for residential second units (RSUs) located in residential zones (Government Code Section 65852.2) and private solar energy facilities (Government Code Section 65850.5) shall be considered in a ministerial manner without discretionary review or public hearing. However, this can be inconsistent with the requirements the Coastal Act (which is codified in the California Public Resources Code) that requires discretionary review, including a public hearing (unless waived), for all development that is subject to appeal to the Coastal Commission either because the use does not qualify as the principally permitted use within a zone category (e.g., RSUs) or because of the location (e.g., the project site is within the Appeals Jurisdiction).

Residential second units. RSUs are not considered by the Coastal Commission as the principally permitted use of the property, and thus any final local action on an application for a RSU may be appealed to the Coastal Commission. Article II was amended by the County in 2003 to, as required by the Government Code, provide that applications for RSUs located in residential zones are reviewed in a ministerial manner and do not require a public hearing. To reconcile the competing requirements of the Government Code and the Public Resources Code, the Coastal Commission, as part of their certification of an amendment in 2005, required that:

- Similar to the requirements for discretionary applications, notice of the application for a RSU be mailed to all property owners located within 300 feet of the project site and residents located within 100 feet of the project site, and
- All decisions to approve or conditionally approve a RSU are subject to appeal to the Coastal Commission following the exhaustion of local appeals.

Solar energy facilities. Private solar energy facilities that are accessory to the principally permitted use of the property are considered to be a principally permitted use. However, they may still be subject to appeal to the Coastal Commission due to their location (e.g., within the Appeals Jurisdiction, within of 300 feet of the inland extent of any beach or the mean high tide line). In May 2009, in response to a revision to the California Government Code that required that private solar energy facilities be approved through the issuance of a building permit or similar nondiscretionary permit, the LUDCs were amended to specify that all private solar energy facilities located outside the Coastal Zone are exempt from planning permits and only require the issuance of a building permit, electrical permit or plumbing permit as applicable. Within the Coastal Zone the amendments to the LUDCs maintained the existing exemption for solar energy facilities located on the roof of an existing structure, but also kept the requirement that a Coastal Development Permit be obtained for freestanding facilities. In order to comply with the California Government Code requirement that the facility be approved through a nondiscretionary permit, the amendment also:

- Deleted the public hearing requirement for freestanding facilities that normally require a hearing due to their location (e.g., located in the Appeals Jurisdiction),
- Specified that notice of the application for the solar energy facilities was required to be mailed to all property owners located within 300 feet of the project site and residents located within 100 feet of the project site, and
- Provided that all decisions to approve or conditionally approve a solar energy facility were subject to appeal to the Coastal Commission following the exhaustion of local appeals.

Article II was not amended at this time due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. In order to bring Article II into compliance with State law regarding private solar energy facilities, and to clarify the special processing, notice and appeal criteria for both RSUs in residential zones and private solar energy facilities, the proposed amendment includes specific processing requirements that:

- Identify the Director as the decision-maker for applications for RSUs in residential zones and private solar energy facilities, and allow the Director to act on an application without having to hold a public hearing.
- Require that mailed notice of the application be provided in the same manner as a discretionary application (mailed notice, placard placed on-site, published in newspaper).

- Provide that an action to approve or conditionally approve the application is subject to appeal to the Coastal Commission following the exhaustion of local appeals.

Coastal Commission review. The Coastal Commission staff was concerned with the potential size and power generating capacity of a private solar energy facility that would be exempt from the public hearing requirement as a result of this amendment, and whether the facility would truly be accessory to the primary use of the lot. In response to this concern, the Department revised the text to clarify that the solar energy facility must be sized to primarily supply only the principal use of the lot that the facility is accessory and incidental to. This revision, which is highlighted below, is incorporated into the amendment attached to this staff report.

Section 35-169.4. Processing.

2. c. Decision-maker, hearing requirements and notice requirements.

- 1) Applications for certain solar energy facilities and Residential Second Units.** Applications for freestanding solar energy facilities that are accessory and incidental to the principal use of the lot that the system is located on and are sized to primarily supply only the principal use that the system is accessory and incidental to, and Residential Second Units on lots located in residential zone districts shall be processed in compliance with the following:
 - a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
 - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).

5.2 Amendment that implements process improvements previously adopted in 2008.

Waived hearings for time extensions (Attachment C SECTION 21, page 36).

The LUDCs were amended in 2008 to provide a waived hearing process for time extensions for discretionary projects as part of the on-going Departmental process improvement efforts. Previous to that time, time extensions were under the authority of the decision-maker who had original jurisdiction over the project for which the time extension is sought, which meant that a public hearing on the application was typically required.

Under the waived hearing procedure, after notice of the intention to waive the hearing is mailed to property owners within 300 feet of the subject lot, if no one requests a hearing within the 15 working days following the mailing of the notice, then the requirement for a public hearing is waived and the jurisdiction over the time extension application shifts to the Director. The decision of the Director may be appealed to the Planning Commission,

and the decision of the Planning Commission may be appealed to the Board of Supervisors.

One of the requirements that the Department must satisfy in order to waive a public hearing is that a list of the applications for which a public hearing is proposed to be waived appears on the Montecito Planning Commission's or Zoning Administrator's agenda. The purpose of this requirement is to notify the Montecito Planning Commission and members of the public of applications where the public hearing requirement will be waived provided a request for hearing is not received by the Department. However, the existing language is not precise as to when this must occur.

Proposed amendment. The proposed amendment implements the same waived hearing process for applications for time extensions for discretionary projects within the Coastal Zone, and clarifies the existing language regarding when the listing of such projects occurs by clearly stating that said listing occurs on the next available agenda following the mailing of the notice to the surrounding property owners of the Department's intent to waive the public hearing requirement.

5.3 Amendments to existing procedures and requirements to be consistent with the County and Montecito Land Use and Development Codes.

1. Authority for land use and zoning decisions (Attachment C SECTION 1, pages 1 through 3).

The proposed amendment adds a new section that includes a table that specifies the decision-maker (initial jurisdiction) and appeal path for all the permit applications included in Article II. This table was revised in response to Coastal Commission staff comments. Please see following Section 5.4 (Amendments that streamline the permit process) regarding concurrent processing of Coastal Development Permits with discretionary applications for additional discussion regarding this revision.

2. Definitions (Attachment C SECTIONS 2, 3 and 4, pages 3 and 4).

The proposed amendment adds text to and revises the introductory paragraph of Section 35-58 (Definitions) to match LUDCs regarding the meaning of terms and also adding language that provides that if a word is not defined in Section 35-58 or in other provisions of the Santa Barbara County Code that the Director shall determine the correct definition utilizing the latest edition standard dictionary.

Coastal Commission review. The Coastal Commission staff suggested that the text be revised to include that if a word is defined in the Coastal Act, that the Coastal Act definition be used rather than a definition from a standard dictionary. This revision, which is highlighted below, is incorporated into the amendment attached to this staff report.

Section 35-58. Definitions.

~~For the purpose of this Article, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future tenses, words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory, and the word "may" is permissive.~~

This Division provides definitions of terms and phrases used in this Article that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Division conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Article. If a word is not defined in this Division, or in other provisions of the Santa Barbara County Code, the Director shall use the Coastal Act definition, if any, or if there is no Coastal Act definition, determine the correct definition utilizing the latest edition standard dictionary.

When used in this Article, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to."

3. Noticing requirements (Attachment C SECTION 22, pages 37 through 51).

In January 2006, several changes to the noticing requirements within the zoning ordinances were approved by the Board of Supervisors after numerous public workshops and hearings before the County and Montecito Planning Commissions. Based on the experience gained in working with these procedures, the Planning and Development Department, in 2009, recommended the adoption of several improvements to the noticing procedures to make them more efficient and effective. The overall goal of these revisions was to involve the public earlier in the permit review process through better noticing such that any issues could be addressed before considerable time and money has been spent on drawings and plan development. The significant revisions adopted in 2009 included:

- Providing more visible posted notices on the project site through the use of 18" by 24" placards to increase public awareness of proposed development.
- Providing mailed notice of conceptual review by the applicable Board of Architectural Review.
- Shifting the responsibility to mail the notice for Coastal Development Permits and Land Use Permits to the Department and increasing the number of surrounding properties that mailed notice would be sent to.
- Providing mailed notice of the filing of a discretionary applications when the application is deemed complete for processing.

These same changes were not made to Article II due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. The proposed amendment revises the Article II noticing procedures to be consistent with the LUDCs as adopted in 2009, and includes specific procedures for applications for Design Review and Emergency Permits. The amendment also includes new noticing requirements for applications for time extensions that are under the jurisdiction of the Director that are consistent with the General Package Ordinance Amendment recently reviewed by your Commission that requires mailed notice of such applications. Lastly, the amendment includes specific requirements for Notices of Final Action that are sent to the Coastal Commission following final action by the County on permit applications that may be appealed to the Coastal Commission.

4. Road naming and street addressing (Attachment C SECTION 6, pages 4 through 10).

Part of the effort involved in developing the LUDCs was to move the County's road naming and street addressing requirements that were previously contained in a separate document (Article V of Chapter 35, Zoning, of the County Code) into the LUDCs. Upon adoption of the LUDCs, Article V was rescinded since it was no longer needed. However, because Article II continues to be the zoning ordinance for the Coastal Zone, there are no longer road naming and street addressing requirements that apply outside the Inland area.

Proposed amendment. The proposed amendment corrects this situation by adding road naming and street addressing requirements to Article II that are consistent with the LUDCs.

Montecito Planning Commission review. The Montecito Planning Commission, in their review of the proposed language at their hearing on February 26, 2014, recommended that two areas of the proposed regulations be revised in order to (1) allow the special private street sign design standards for the Montecito community to continue and (2) allow the Fire Department to approve address numerals that are different in size and color than listed in the regulations. These revisions, which are highlighted below, are incorporated into the amendment attached to this staff report.

Section 35-144N.5 Procedures, Standards and Signs.

E. Road name signs.

...

2. Each road sign for a private road shall comply with Subsection E.3 (Signs for public roads), below, with the exception that the background color shall be dark blue or other color approved by the County.

...

Section 35-144N.6 Address Numbers - Procedures, Standards and Display.

C. Display of address numbers.

...

4. Size and color of numbers. Each address number shall be either a minimum height of three inches, reflective, and a color contrasting with the background color, or other height and color as approved by the Fire Department or applicable fire protection district.

...

5. Single projects with multiple applications (Attachment C SECTION 1, page 1; SECTION 5, page 4).

The County zoning ordinances were amended in 1996 to specify that if two or more applications are submitted that relate to the same project, and the individual applications would be under the jurisdiction of different decision-makers, then all of the applications would be under the jurisdiction of the decision-maker with the highest jurisdiction. For example, if a project required the approval of a development plan that normally would be considered by the Director, and a conditional use permit that required approval by the Planning Commission, then both the application for the development plan and the

conditional use permit would be under the jurisdiction of the Planning Commission. The intent was that this requirement would only apply to situations where two or more discretionary applications were submitted for the same project. However, because this was not specified, some interpreted it to also apply to follow-on ministerial applications that typically would be submitted after the approval of the discretionary application. For example, if an application for a Variance was submitted that was under the jurisdiction of the Zoning Administrator, then the Land Use Permit application that would allow for the actual development allowed by the Variance would also be under the jurisdiction of the Zoning Administrator, and therefore subject to a public hearing.

The adoption of the LUDCs in 2006 addressed this problem by specifying that this requirement only applies to discretionary applications, however Article II was not amended to address this situation due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. The proposed amendment revises Article II to be consistent with the LUDCs by deleting the existing language in the General Regulations section of Article II and adds revised language to the new “Authority for land use and zoning decisions” discussed on page 7 of this report.

6. Zoning Clearance process (Attachment C SECTION 12, pages 21 through 22; SECTION 13, pages 23 through 26; SECTION 16, page 27; SECTION 20, pages 29 through 31; SECTION 21, page 32; SECTION 23, page 51; SECTION 24, page 51).

The County amended the LUDCs in 2007 to add the Zoning Clearance process which acts as the follow-on zoning permit that allows the actual construction of projects that had been previously permitted through a discretionary Conditional Use Permit or Development Plan provided no revisions were made to the approved project. Previously, a Land Use Permit was required to be issued prior to actual commencement of the project. However, this meant that the project was potentially subject to a second appeal even though the project had not changed if someone chose to appeal the approval of the Land Use Permit. The purpose of this follow-on permit is to verify that all prior-to-construction conditions have been satisfied.

Unlike Coastal Development Permits and Land Use Permits, which are noticed and are subject to appeal, the decision by the Director to issue a Zoning Clearance is neither noticed nor is it subject to appeal. As part of the Zoning Clearance review process, the Director reviews the application to determine whether the project proposed for construction conforms to the previously approved project and that all prior-to-construction conditions have been satisfied. If the Director determines that both criteria have been met, then Zoning Clearance is issued. However, if the Director determines that the project has changed sufficiently enough so that the approval of a Substantial Conformity Determination is required, then the approval of a Land Use Permit is required to allow the actual construction of the project.

Proposed amendment. The proposed amendment adds the Zoning Clearance process to Article II to be used, when appropriate, in place of a Coastal Development Permit or Land Use Permit in order to eliminate the second appeal possibility.

5.4 Amendment that streamlines the permit process.

Concurrent processing of Coastal Development Permits with discretionary applications (Attachment C SECTION 1, page 2, SECTION 10, pages 15 through 17, SECTION 14, page 26, SECTION 15, page 26; SECTION 16, page 27).

In 2008, the County amended Article II to require that a Coastal Development Permit be processed concurrently with an application for a Conditional Use Permit or Final Development Plan. The primary purpose of this amendment was to eliminate the possibility that a project that was subject to appeal to the Coastal Commission could be appealed twice to the Coastal Commission by first appealing the approval of the Conditional Use Permit or Final Development Plan and then appealing the follow-on Coastal Development Permit.

The County later amended Article II in 2011 to require that a Coastal Development Permit be processed concurrently with an application for a Demolition and Reclamation Permit for energy facilities, and again in 2013 to also require that a Coastal Development Permit be processed concurrently with an application for a Modification.

Proposed amendment. The amendment proposes to expand the requirement to process a Coastal Development Permit concurrently with a discretionary application for Oil and Gas Exploration or Production Plans, and Variances when the development is subject to appeal to the Coastal Commission.

Applications for Oil and Gas Exploration and Production Plans are presently required to be approved by the Planning Commission in a public hearing, and a Coastal Development Permit must be issued prior to commencement of the development allowed by the Exploration Plan or Production Plan. Both actions are subject to appeal, but at different times. The proposed amendment requires that the two applications are processed concurrently followed by the issuance of a Zoning Clearance to allow the commencement of the development. Thus, appeals of the decisions on the Exploration Plan or Production Plan and the Coastal Development Permit would also be processed concurrently, instead of sequentially as is the present situation.

When the development is subject to appeal to the Coastal Commission, then a public hearing is required for any associated Coastal Development Permit. Requiring that the applications for Modifications and Coastal Development Permit be processed together, when the development may be appealed to the Coastal Commission, will streamline the permit process since only one public hearing will be required.

Coastal Commission review. The Coastal Commission staff requested that the language be revised to also include Conditional Certificates of Compliance, Lot Line Adjustments and Tentative Maps in the list of discretionary applications that require the concurrent processing of a Coastal Development Permit since these projects also constitute development as defined in the Coastal Act. This revision, which is highlighted below, is incorporated into the amendment attached to this staff report.

Section 35-169.4 Processing.

- 3. Coastal Development Permits processed in conjunction with a ~~Conditional Use Permit or a Final Development Plan~~ discretionary permit application.** This Section provides the processing requirements for applications for Coastal Development Permits

for development that also require a ~~Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174)~~ discretionary permit as specified in Subsection 3.a. below.

- a. An application for a Coastal Development Permit processed in compliance with this Section 35-169.4.3 shall be processed concurrently and in conjunction with any associated application for a ~~Conditional Use Permit or a Final Development Plan~~ the following.

1) ~~An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) or Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit or Final Development Plan, including all phases of development that may be authorized by the Conditional Use Permit or Final Development Plan.~~

- a) ~~The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit or Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.~~

1) **Conditional Certificates of Compliance.** An application for a Conditional Certificate of Compliance that is required to be recorded prior to the sale, lease or financing of a parcel of land that was not created in compliance with the laws and ordinances in effect at the time of the creation of the parcel.

2) **Conditional Use Permits.** An application for a Major Conditional Use Permit or a Minor Conditional Use Permit processed in compliance with Section 35-172 (Conditional Use Permits).

- a) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit, including all phases of development that may be authorized by the Conditional Use Permit.

- i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

3) **Demolition and Reclamation Permits.** An application for a Demolition and Reclamation Permit processed in compliance with Section 35-170

(Abandonment of Certain Oil/Gas Land Uses).

- 4) Final Development Plans.** An application for a Final Development Plan processed in compliance with Section 35-174 (Development Plans).
 - a) An application for a Coastal Development Permit processed concurrently with a Final Development Plan that includes a phasing plan in compliance with Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Final Development Plan, including all phases of development that may be authorized by Final Development Plan.
 - i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Final Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.
- 5) Lot Line Adjustment.** An application for a Lot Line Adjustment to adjust the lot lines between no more than four adjacent lots, where the land taken from one lot is added to an adjacent lot and where a greater number of lots than existed is not thereby increased.
- 6) Modifications.** An application for a Modification processed in compliance with Section 35-179 (Modifications) if the Coastal Development Permit for the development requested by the Modification is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- 7) Oil and Gas Exploration or Production Plans.** An application for an Oil and Gas Exploration or Production Plan processed in compliance with Section 35-176 (Oil and Gas Exploration and Production Plans).
- 8) Tentative Map.** An application for a Tentative Map including a Vesting Tentative Map, the approval of which is required prior to the recordation of a Final Map or Parcel Map, as applicable, that subdivides improved or unimproved land for the purpose of sale, lease or financing.
- 9) Variance.** An application for a Variance processed in compliance with Section 35-173 (Variances) if the Coastal Development Permit for the development requested by the Variance is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

5.5 Amendments that clarify existing procedures and requirements.

- 1. Permit expiration and time extensions** (Attachment C SECTION 11, pages 19 and 20; SECTION 12, pages 21 and 22; SECTION 13, pages 24 through 26; SECTION 18, page 28; SECTION 19, pages 28 and 29; SECTION 21, pages 31 through 36).

The proposed amendment restructures the procedures for permit expiration and time extensions so that they are better organized and read more clearly including consolidating all the existing time extension procedures that are currently located in several different sections of Article II into a new section 35-179B Time Extensions. The proposed

amendments also:

- Allows final action by the County to approve a request for a time extension to occur after the date that the permit would otherwise expire provided that the request for the extension is submitted prior to expiration of the permit.
- Requires that mailed notice of applications for all time extensions be provided to (1) property owners within 300 feet of the project site and (2) all residents within 100 feet of the project site or 300 feet if the application involves a telecommunications facility.
- Clarifies that the decision-maker with original jurisdiction over the planning permit is also the decision-maker for subsequent time extensions, and not the decision-maker that may have approved the planning permit on an appeal.
- Includes processing requirements for time extension applications for Coastal Development Permits and Modifications regarding noticing, findings, appeal provisions, and when the time extension commences.

Montecito Planning Commission review. The Montecito Planning Commission, in their review of the proposed language at their hearing on February 26, 2014, recommended that the amendment be revised to include a table that summarizes the expiration timelines and time extension decision-makers for the various planning permits. This table, which is highlighted below, is incorporated into the amendment attached to this staff report.

Table 11-1 Permit Expiration and Time Extensions

Type of Permit	Permit Expiration	Number and Length of Time Extensions	Time Extension Decision-maker
Coastal Development Permits initially approved or conditionally approved by the Director (1)	One year following effective date	One time for 12 months (2)	Director
Coastal Development Permits initially approved or conditionally approved by the Zoning Administrator	One year following effective date	One time for 12 months (2)	Zoning Administrator
Coastal Development Permits initially approved or conditionally approved by the Planning Commission	One year following effective date	One time for 12 months (2)	Planning Commission
Coastal Development Permits that have been issued	Two years following date of issuance	One time for 12 months	Director
Conditional Use Permits, Major	18 months from effective date or other approved time period	One time, length of extension to be determined at time of approval	Planning Commission
Conditional Use Permits, Minor	18 months from effective date or other approved time period	One time, length of extension to be determined at time of approval	Zoning Administrator
Design Review	See Note (3)		
Development Plans, Final	Five years from effective date	One time for 12 months (4)	Initial decision-maker
Development Plans, Preliminary	Two years from effective date	One time for 12 months (4)	Initial decision-maker
Emergency Permits	See Note (5)	N/A	N/A
Land Use Permits, approved or conditionally approved	One year following effective date	One time for 12 additional months	Director
Land Use Permits, issued	Two years from date of issuance	One time for 12 additional months	Director

Table 11-1 Permit Expiration and Time Extensions

Type of Permit	Permit Expiration	Number and Length of Time Extensions	Time Extension Decision-maker
Modifications	See Note (6)	One time for 12 additional months	Director
Zoning Clearances	Two years from date of issuance	One time for 12 additional months	Director

Notes:

- (1) This includes applications for time extensions where the requirement for a public hearing has been waived by the Director.
- (2) The expiration of a Coastal Development Permit approved in conjunction with a discretionary permit may be extended for two additional two year periods.
- (3) Board of Architectural Review approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit), including time extensions, expires. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except that the Director may grant an extension of the approval if an active development permit is being processed by the Department.
- (4) A Development Plan (Preliminary or Final) shall expire 12 months from the effective date of the time extension or two years from the initial effective date of approval of the Development Plan, whichever occurs first.
- (5) The Director may specify an expiration date at the time of permit approval.
- (6) A Modification shall expire one year from the effective date if a Coastal Development Permit has not been issued for the development. Once the Coastal Development Permit has been issued, the Modification shall have the expiration date as the issued Coastal Development Permit.

2. Private services (Attachment C SECTION 7, pages 10 and 11).

The proposed amendment amends the nomenclature for private water and sewage service to be consistent with County Public Health Department standards including:

- Renaming “shared water systems” as “multi-parcel water systems” to clarify that the term applies to water systems that serve more than one parcel and not water systems that only serve multiple water uses within one parcel.
- Renaming “septic tanks” as “in-ground septic systems.”

6.0 ENVIRONMENTAL REVIEW

The proposed ordinance amendment to the Article II Coastal Zoning Ordinance (Case No. 12ORD-00000-00014) is recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments. Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.

7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the applicable Community Plans, or the Coastal Land Use Plan, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards.

The proposed ordinance amendments primarily involve:

- Implementing requirements of State planning and zoning law.
- Implementing process improvements that were previously made to the County and Montecito Land Use and Development Codes (LUDCs) but were not made to the Article II Coastal Zoning Ordinance (Article II) due to the on-going effort at that time to replace Article II with the LUDCs.
- Revising existing procedures and requirements to be consistent with the LUDCs.
- Streamlining the permit process.
- Clarifying existing procedures and requirements.
- Correcting errors and omissions.

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the applicable Community Plans, and the Coastal Land Use Plan. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the applicable Community Plans, and the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of Article II that would not be revised by this ordinance. In order to approve a development project based on these proposed revisions, it still must be determined that the project is consistent with the whole of Article II as applicable.

9.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. 12ORD-00000-00014 Article II Findings
- B. 12ORD-00000-00014 Article II Notice of Exemption
- C. 12ORD-00000-00014 Article II Resolution and Proposed Ordinance
- D. Montecito Planning Commission Resolution 14-05

ATTACHMENT G: MONTECITO PLANNING COMMISSION RESOLUTION 14-05

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE)
COUNTY PLANNING COMMISSION THE ADOPTION)
OF A MINOR AMENDMENT TO ARTICLE II, THE)
SANTA BARBARA COUNTY COASTAL ZONING)
ORDINANCE, OF CHAPTER 35, ZONING, OF THE)
COUNTY CODE AMENDING DIVISION 1, IN) RESOLUTION NO.: 14 - 05
GENERAL, DIVISION 2, DEFINITIONS, DIVISION)
7, GENERAL REGULATIONS, DIVISION 8,) CASE NO.: 12ORD-00000-00014
SERVICES, UTILITIES AND OTHER RELATED)
FACILITIES, DIVISION 11, PERMIT PROCEDURES,)
AND DIVISION 12, ADMINISTRATION, TO)
IMPLEMENT NEW REGULATIONS AND MAKE)
OTHER MINOR CLARIFICATIONS, CORRECTIONS,)
AND REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend to the County Planning Commission that the County Planning Commission recommend that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00014) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, concerning minor amendments regarding authority for land use and zoning decisions, concurrent processing of Coastal Development Permits with discretionary applications, definitions, noticing requirements, permit expiration and time extensions, private services, residential second units and solar energy systems permit process, road naming and street addressing, single projects with multiple applications, waived hearing process and zoning clearance process, and to make other minor clarifications, corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Community Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety. The proposed ordinance amendments will (1) revise existing permit processes to enhance clarity and efficiency and (2) correct and clarify existing text provisions.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the County Planning Commission recommend that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Montecito Planning Commission Staff report dated February 5, 2014.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this February 26, 2014 by the following vote:

AYES: Commissioners Brown, Burrows, Eidelson, Phillips, Overall

NOES: None

ABSTAIN: None

ABSENT: None

(signed copy on file)

DANIEL EIDELSON, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

(signed copy on file)

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By (signed copy on file)
Deputy County Counsel

EXHIBITS:

1. 12ORD-00000-00014

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, DIVISION 8, SERVICES, UTILITIES AND OTHER RELATED FACILITIES, DIVISION 11, PERMIT PROCEDURES. AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS.

Case No. 12ORD-00000-00014

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

SECTION 1:

DIVISION 1, In General, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-57C titled "Authority for Land Use and Zoning Decisions) and to read as follows:

Section 35-57C. Authority for Land Use and Zoning Decisions.

A. Decision-maker.

1. Table 1-1 (Decision-maker Authority) below, identifies the decision-maker responsible for reviewing and making decisions on each type of application required by this Article.
2. Any reference to the Board of Architectural Review shall refer to the Design Review body with jurisdiction in compliance with Section 35-184 (Board of Architectural Review).

B. Applications subject to more than one decision-maker.

1. When two or more discretionary applications are submitted that relate to the same development project and the individual applications are under the separate jurisdiction of more than one decision-maker in compliance with Table 1-1 (Decision-maker Authority) below, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction in compliance with the following descending order:
 - a. Board;
 - b. Commission;
 - c. Zoning Administrator and;
 - d. Director.
2. If the Board is the decision-maker for a project due to a companion discretionary application (e.g., Coastal Land Use Plan amendment, Ordinance amendment, Rezone) the Commission shall make an advisory recommendation to the Board on each application.
3. This Section shall not apply to applications for:
 - a. Coastal Development Permits that do not require a public hearing in compliance with Section 35-169 (Coastal Development Permits).
 - b. Design Review submitted in compliance with Section 35-184 (Board of Architectural Review.
 - c. Emergency Permits submitted in compliance with Section 35-171 (Emergency Permits).
 - d. Land Use Permits submitted in compliance with Section 35-178 (Land Use Permits).

e. Zoning Clearances submitted in compliance with Section 35-179A (Zoning Clearance).

Table1-1 - Decision-maker Authority

<u>Type of Action</u>	<u>Role of Decision-maker (1)</u>			
	<u>Director</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>	<u>Board of Supervisors</u>
<u>Administrative and Legislative</u>				
<u>Interpretations</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Local Coastal Program Amendments</u>			<u>Recommend (2)</u>	<u>Decision</u>
<u>Specific Plans and Amendments</u>			<u>Recommend</u>	<u>Decision</u>
<u>Planning Permits</u>				
<u>Coastal Development Permits (Section 35-169.4.1) (3) (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.2)</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Coastal Development Permits (Section 35-169.4.3)</u>	<u>See Footnote (5) below</u>			
<u>Conditional Use Permits, Major</u>			<u>Decision</u>	<u>Appeal</u>
<u>Conditional Use Permits, Minor</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Design Review</u>	<u>See Footnote (6) below</u>			
<u>Development Plans</u>	<u>See Section 35-174.2 (Applicability) for applicable Development Plan decision-makers.</u>			
<u>Emergency Permits</u>	<u>Decision</u>			
<u>Hardship Determinations</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Land Use Permits (4)</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Limited Exception Determinations (Section 35-161.7)</u>			<u>Decision</u>	<u>Appeal</u>
<u>Modifications</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Oil and Gas Exploration and Production Plans</u>			<u>Decision</u>	<u>Appeal</u>
<u>Oil/Gas Land Uses - Abandonment and Removal Procedures</u>	<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Reclamation and Surface Mining Permits</u>			<u>Decision</u>	<u>Appeal</u>
<u>Road Namings and Renamings</u>	<u>See Section 35-144N (Road Naming and Address Numbering)</u>		<u>Appeal</u>	<u>Appeal</u>
<u>Use Determinations</u>			<u>Decision</u>	<u>Appeal</u>
<u>Variances</u>		<u>Decision</u>	<u>Appeal</u>	<u>Appeal</u>
<u>Zoning Clearances</u>	<u>Decision</u>			

Notes:

- (1) "Recommend" identifies that the decision-maker makes a recommendation to a higher decision-making body; "Decision" identifies that the decision-maker makes the final decision on the matter; "Appeal" identifies that the decision-maker may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Section 35-182 (Appeals).
- (2) The decision of the Commission to recommend denial of a Rezone is not transmitted to the Board absent the filing of an appeal or request for hearing by an interested party.
- (3) This includes Coastal Development Permits where a hearing has been waived by the Director in compliance with Section 35-169.4.2.
- (4) The Zoning Administrator is the review authority for Coastal Development Permits approved in compliance with Section 35-121 (Home Occupations) and Section 35-169 (Coastal Development Permits) for Home Occupations that qualify as Cottage Food Operations. The decision of the Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (5) The decision-maker on a Development Plan processed concurrently and in conjunction with the Coastal Development Permit shall also be the decision-maker on the Coastal Development Permit. A decision of the Director or Zoning Administrator may be appealed to the Commission; the decision of the Commission may be appealed to the Board.
- (6) The Board of Architectural Review with jurisdiction in compliance with Section 35-184 (Board of Architectural Review, shall make decisions on Design Reviews within the County; the decision of the Board of Architectural Review may be appealed to the Commission; the decision of the Commission may be appealed to the Board.

C. Applications subject to review by the Coastal Commission. In addition to the decision-makers identified in Table 1-1, above, final decisions by the County on the following are within the jurisdiction of the California Coastal Commission.

1. Amendments to the certified Local Coastal Program.
2. Permit decisions that may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).

SECTION 2:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the introductory paragraph of Section 35-58, Definitions, to read as follows:

~~For the purpose of this Article, certain terms and words are herewith defined as follows. Words used in the present tense shall include the future tenses, words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory, and the word "may" is permissive.~~

This Division provides definitions of terms and phrases used in this Article that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Division conflict with definitions in other provisions of the County Code, these definitions shall control for the purposes of this Article. If a word is not defined in this Division, or in other provisions of the Santa Barbara County Code, the Director shall determine the correct definition utilizing the latest edition standard dictionary.

When used in this Article, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to."

SECTION 3:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to amend the existing definitions of "Planning Commission" and "Zoning Administrator" to read as follows:

Planning Commission: The Santa Barbara County Planning Commissions, including the Montecito Planning Commission, referred to in this Article as the "Commission" or "Planning Commission."

Zoning Administrator: A position authorized by Government Code Section 65900 *et seq.* of the California Government Code that pursuant to this Article and Section 2-27 of Article V of Chapter 2 of the Santa Barbara County Code is authorized as created by ordinance which authorizes a hearing officer to hear and decide on applications including, but not limited to, Development Plans, Minor Conditional Use Permits, Development Plans, Modifications and Variances in compliance with this Article. Within the Montecito Community Plan Area references to the Zoning Administrator shall mean the Montecito Planning Commission.

SECTION 4:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58 (Definitions) to add the following definitions of "Board" and "Department" to read as follows:

Board: The Board of Supervisors of the County of Santa Barbara, State of California, referred to in this Article

as the “Board” or “Board of Supervisors.”

Department: The Santa Barbara County Planning and Development Department, referred to in this Article as the “Department” or the “Planning and Development Department.”

SECTION 5:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete Section 35-144B, Applications That Are Within the Jurisdiction of More Than One Final Decision Maker, in its entirety and reserve the section number for future use.

SECTION 6:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144N, Road Naming and Address Numbering, to read as follows:

Section 35-144N Road Naming and Address Numbering.

Section 35-144N.1 Purpose and Intent.

This Section provides procedures for naming and renaming of existing or proposed roads and a road naming and address numbering plan for the County. These regulations are intended to protect and promote the public health, safety, and welfare of those who live and work within the County by improving response times for emergency vehicles, expediting business and postal delivery services, and assisting in the timely location of specific businesses and dwellings.

Section 35-144N.2 Applicability.

A. Affected areas, roads, structures. The address numbering system will be implemented through the adoption of specific area wide systems by resolution of the Board of Supervisors after recommendation by the Planning Commission. The address numbering area wide systems are applicable to:

1. All roads and structures located within the boundaries of adopted area wide address numbering systems; and
2. All roads shown on subdivision maps approved for recording regardless of their location within or outside the boundaries of adopted area wide address numbering system.

B. Existing road standards. The adoption and implementation of this Section shall not affect or supersede the County Department of Public Works Engineering Design Standards and other adopted standards relative to road construction, and shall not limit the authority of the Director of the Public Works Department relative to activities within public road rights-of-way.

Section 35-144N.3 Area Wide Address Numbering System.

A. Boundaries. The boundaries of each area wide system shall be established by Board resolution after a recommendation by the Planning Commission. The adopted boundaries shall be identified on the Countywide Official Address Numbering Plan Base Map prepared by the County of Santa Barbara Fire Department, hereinafter referred to as the Fire Department.

B. Maps.

1. The Countywide Official Address Numbering Plan Base Map shall delineate the boundaries of the area wide address numbering systems.
2. Each adopted area wide address numbering system shall include a set of maps that identify base lines, grid index lines, and the address numbers assigned to particular structures and the address ranges assigned to particular areas.
3. Each map adopted in compliance with this Section is available for public review in the Fire

Department.

Section 35-144N.4 Road Name and Status Index.

The Fire Department shall maintain a Road Name Index that shall identify the existing names of all roads, and also indicate whether each road is public or private.

Section 35-144N.5 Procedure, Standards and Signs.

A. Road names required. A road name shall be required for all public and private roads and for any other roads when deemed necessary by the Department; except that a private road located entirely within a contiguous ownership of more than 200 acres shall be exempt from this requirement, unless the property owner files a written request for road naming with the Department.

B. Naming or renaming an existing road.

- 1. Initiation.** The naming or renaming of a public or private road may be initiated by the owner of abutting property, the Board, Commission, Department, or other public agency or County department.
- 2. Contents of application.** An application for naming or renaming of an existing road shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and the initiating property owner or agency shall file a Road Name Petition with the application.
 - a.** When a naming or renaming is initiated by a property owner, the Road Name Petition shall be completed with the signatures of the property owners or tenants representing at least two-thirds of the dwellings or businesses located along the road segment to be named or renamed.
 - b.** When a naming or renaming is initiated by a public agency and the affected road segment is a continuation of a previously named road, the Road Name Petition shall be completed with the signature of a representative from the initiating agency.
 - c.** When a naming or renaming is initiated by a public agency and the affected road segment is not a continuation of a previously named road, the Road Name Petition shall be completed with signatures of the property owners or tenants representing two-thirds of the dwellings or businesses located along the unnamed portion of the road, or shall include other verification of support deemed appropriate by the Zoning Administrator.
- 3. Public hearing.**
 - a. Public hearing.** The Zoning Administrator shall hold at least one noticed public hearing on the request, unless waived in compliance with Subsection B.3.c (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - b. Notice.** Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing). Additionally, notice shall be provided in compliance with the following:
 - 1) Posted notice.** At least 10 days before the public hearing, notice of the hearing shall be posted by the Department in a minimum of three public places along the affected road.
 - 2) Mailed notice.** Notice of the public hearing shall be sent to all property owners or tenants of lots abutting the affected road in compliance with Section 35-181 (Noticing).
 - c. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements.
 - 1)** Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a)** The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on

the road naming or renaming application.

- 2) A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Section 35-144N.5.B.3.c.1) is mailed.
- 3) If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the road naming or renaming application.
- 4) A listing of Road Naming or Renaming applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.

d. Action of decision-maker.

- 1) **Action of the Zoning Administrator.** The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
- 2) **Action of the Director.**
 - a) The action of the Director to approve or conditionally approve the road naming or renaming application is final and not subject to appeal.
 - b) The action of the Director to deny the road naming or renaming application is final subject to appeal by the applicant in compliance with Section 35-182 (Appeals).

e. Recording action. Upon the naming or renaming of the road, the road shall thereafter be known by the designated name.

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

C. Naming a road created by a subdivision. The naming of a road created by a subdivision shall be in compliance with Subsection D.2, below. This procedure shall also apply to the naming of an unnamed existing road contained within a proposed subdivision. See also Subsection D.3 (Continuity) below.

1. Continuation of existing named road. A road created by a proposed subdivision that continues an existing named road shall bear the name of the existing road.

2. Procedure.

a. Naming of a road in conjunction with the approval of a tentative map.

- 1) **Submittal of application.** An application for naming a road either created by a proposed subdivision or naming an existing unnamed road contained within a proposed subdivision shall be filed concurrently with the application for the tentative map.
- 2) **Contents of application.** An application for naming a road in conjunction with the approval of a tentative map shall be submitted in compliance with Section 35-57A (Application Preparation and Filing) and shall be filed in conjunction with the application for the tentative map.
- 3) **Review and approval.** A proposed road name shall be shown on the tentative map and shall be approved by the review authority at the time of tentative map approval in compliance with Subsection D (Road name selection) below. The approved names shall be shown on the Final Map or Parcel Map as submitted for County approval and recordation.
- 4) **Appeal.** The decision of the review authority is final subject to appeal in compliance with Section 35-182 (Appeals).

D. Road name selection. Each selected road name shall comply with the following standards.

- 1. Objectives.** A proposed road name should be pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to pride of home and community.
- 2. Criteria.** Each road name shall comply with the following criteria:
 - a. A road names shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.
 - b. A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.
 - c. A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).
 - d. A road name shall be easy to pronounce and spell.
 - e. A road name shall be grammatically correct whether in English or a foreign language.
 - f. A road name shall include the appropriate road classification (e.g., lane, street, way).
- 3. Continuity.**
 - a. A continuous road, or one proposed to be continuous, shall have the same name throughout its complete length.
 - b. If an otherwise continuous road is interrupted by a drainage channel, freeway, or railroad, etc. with no planned connection, the interrupted segments shall have different names.
 - c. Where roads intersect at an interior angle of 110 degrees or less, each segment shall be given a different name if doing so will reduce confusion when locating an address.
- 4. Extra words.** Unnecessary words shall be avoided. Words that may be used are limited to the following:
 - a. "East," "North," "South," and "West," indicating direction for a numbering base line; and
 - b. "Lane," "Place," "Road," "Street," "Way," indicating the road classification in English.

E. Road name signs.

- 1. Objectives.** Road name signs should be clearly visible to passing motorists. The letters and numbers used should contrast with the background color and should be large enough to be legible from a vehicle on the roadway.
- 2. Signs for private roads.** Abutting property owners shall install and maintain permanent road name signs for private roads, as follows.
 - a. Each road name sign shall be installed in compliance with County requirements.
 - b. Each road name sign for a private road shall comply with Subsection F.3 (Signs for public roads) below, with the exception that the background color shall be dark blue or other color approved by the County.
 - c. The property owners responsible for private road maintenance are responsible for providing and maintaining road name signs.
 - d. Before the acceptance of a private road into the County Maintained Road System, the affected property owners shall replace existing road name signs and install all required road name signs in compliance with County requirements and Subsection F.3 (Signs for public roads) below.
- 3. Signs for public roads.**
 - a. Agencies responsible for road maintenance are responsible for providing road name signs for

all roads within their jurisdictions. Road name signs for public roads shall comply with the County requirements for street name signs as approved by the Director of the Public Works Department. The Public Works Department is responsible for providing road name signs for all County roads in compliance with these standards.

- b. The Board may allow an owners' association to design, specify, install, replace, and remove road name signs of a standard not in compliance with this Subsection. Sign maintenance shall be the responsibility of the association.

4. Signs for existing roads affected by subdivision. The property owner shall install road name signs at unsigned intersections to provide identification for the subdivision, as determined by the subdivision review process:

- a. Road name signs shall be required for each road created by the subdivision.
- b. Road name signs may be required for existing roads providing access to the subdivision.
- c. Road name signs shall comply with the requirements of the County Standard Street Name Signs as approved by the Director of the Public Works Department.

Section 35-144N.6 Address Numbers - Procedures, Standards and Display.

A. Procedure for assigning address numbers.

- 1. Assignment of numbers.** The Fire Department shall determine and assign all address numbers and shall issue the numbers to property owners and occupants. A record of all assigned numbers shall be maintained by the Fire Department and shall be available for public review during regular business hours.
- 2. Notification of change.** If an address number is changed, the owner and tenant in charge of a dwelling or business to which a number has been assigned will be notified in writing by the Fire Department at least 10 days before the effective date of the change.

B. Standards for address numbers. Address numbers shall be determined in compliance with the incremental distance between system grid lines and the following Subsection standards when applicable.

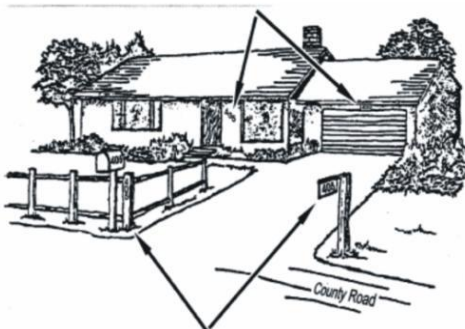
- 1. Developed lots.** Developed lots shall be assigned street addresses as follows. See Subsection B.2 (Vacant lots), below, regarding vacant lots.
 - a. **Lot greater than one acre.** A lot greater than one acre (gross) shall be assigned an address where the driveway intersects the lot frontage.
 - b. **Lot of one acre or less.** A lot that is one acre or less in area (gross) shall be assigned an address at the center point of the lot frontage.
 - c. **Corner lot.** A corner lot shall be assigned an address on the road upon which the principal building entrance faces; except that when the principal entrance is not visible from that road or is inaccessible for fire access from that road, the lot shall be addressed from the road intersected by the driveway.
 - d. **Unnamed road serving less than five dwellings or lots.** For unnamed roads serving less than five dwellings or lots, the address number shall be assigned corresponding to the numbering on the road where the unnamed road originated.
 - e. **Multiple units.** Separate internal units within residential and business complexes may be identified by a suffix (e.g., apartment, space, suite, unit) as determined by the Fire Department in consultation with the property owner, emergency service agencies, and the United States Postal Service.
- 2. Vacant lots.** A vacant lot may be assigned an address number at the center point of the lot frontage. This pre-assigned address may be changed at the time a Building Permit is issued in order to comply with Subsections B.1.a through B.1.c above.
- 3. Accessory structures.** Except for accessory dwellings, including residential second units, an

accessory structure shall not be issued a street address number unless the property owner can demonstrate to the satisfaction of the Fire Department that special circumstances justify a separate number.

C. Display of address numbers.

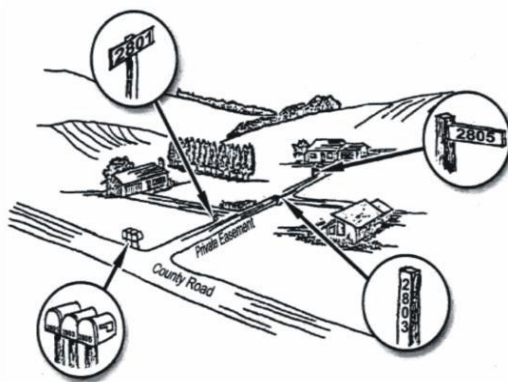
- 1. New construction.** The property owner shall display the assigned address number before requesting a final Building Permit inspection. The address number shall be displayed in compliance with Subsections C.4 through C.6 below.
- 2. Existing structure.** Within 30 days after receiving written notification of an address change, the owner or tenant shall display the new number in compliance with Subsections C.4 through C.6 below, and shall remove any obsolete number.
- 3. Ranching or agricultural operation over 200 acres.** The owner or tenant of a new or existing structure shall display the address number in compliance with Subsections C.4 through C.6 below.
- 4. Size and color of numbers.** Each address number shall be a minimum height of three inches, reflective, and a color contrasting with the background color, or other height and color as approved by the Fire Department or applicable fire protection district.
- 5. Number location objectives.** Address numbers shall be placed at front doors, on mailboxes, on private lamp posts, near garage doors, at driveway entrances, or other place of similar proximity so that the number is visible from the public right-of-way. See Figure 1 (Display of Address Numbers) illustrating the correct manner of display.
- 6. Number location for obscured structures.** Where a dwelling or business is not clearly visible from the road, address numbers shall be posted on a marker other than a mailbox. The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification, see Figure 2 (Display of Address Numbers) below. This Subsection also applies to the names of roads with private driveways or forks. The address numbers of the homes on a private driveway shall be posted on the named road and shall include a directional arrow to indicate location of the dwelling or business.
- 7. Mailboxes.** When the mailbox of a dwelling or business is located on the same road as the dwelling or business, only the number need be posted on the box. When the mailbox and the structure it serves are located on separate roads, both the road name and address number are required to be placed on the mailbox, see Figure 3 Address Numbers on Mailboxes) below.

Suggested alternative location for numbers. Use the type which can be best seen from the road.



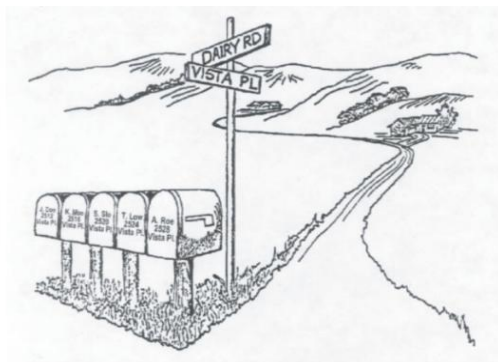
When house is some distance from the public road, place numbers on mailbox or on a post. Use reflective numbers which are at least three inches (3") in height and a color contrasting with the surface where placed.

Figure 1 - Display of Address Numbers



When Mailbox is NOT located in front of your house or when among a group of mailboxes, show number as show above.

Figure 2 - Display of Address Numbers



Where residences are located on private roads, but the mailbox is located in the County road, show name, number and road name. (Name of occupant is optional)

Figure 3 - Address Numbers on Mailboxes

Section 35-144N.7 Administration.

All road names and address numbers shall be issued by the Fire Department in compliance with this Chapter. Road name signs along County-maintained roads shall be installed by the County Public Works Department or at its direction, in compliance with Section 35-144N.5 (Procedure, Standards and Signs) above.

Section 35-144N.8 Enforcement.

- A. Enforcement responsibility.** The Fire Department shall enforce this Section and all of its provisions.
- B. Citation and penalties.** A person who fails to comply with the requirements of this Section shall be issued a citation as provided in County Code Section 1-8 (Citation to Appear in Court). Penalties for a violation of this Section are established by County Code Section 1-7 (General Penalty).

SECTION 7:

DIVISION 8, Services, Utilities And Other Related Facilities, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-147, Processing, to read as follows:

Section 35-147. Processing.

No permits for development subject to the provisions of this Division shall be issued except in conformance with the following:

1. Development ~~subject to that requires~~ a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits) shall include, ~~but not be limited to~~ the development listed below:
 - a. Development that is less than 20,000 square feet of total development area as listed below.
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Unless otherwise provided for in specific districts' regulations, agricultural water wells and appurtenant fixtures and structures;
 - c. Water wells, water storage tanks and appurtenant fixtures and structures to serve one domestic, commercial, industrial or recreational connection;
 - d. Utility lines for gas, electricity, television, telephone, or other similar utilities, proposed to serve less than five connections;
 - e. Pump or lift stations;
 - f. In-ground septic systems on all lots not located in designated Special Problem Areas for sewage disposal, except for performance testing and installation of dry wells, ~~as provided in that are exempt from the issuance of a Coastal Development Permit in compliance with~~ Section 35-169.2.
2. Development ~~subject to that requires~~ a Minor Conditional Use Permit ~~(Section 35-172 et seq.)~~ in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit ~~(Section 35-169 et seq.)~~ issued in compliance with Section 35-169 (Coastal Development Permits):
 - a. Development that is 20,000 square feet or more of total development area including:
 - 1) Drainage channels, water courses or storm drains;
 - 2) Reservoirs;
 - 3) Distribution and collection lines for water, reclaimed water and wastewater;
 - 4) Roads or streets;
 - 5) Flood control projects;
 - b. Water production, storage, and treatment systems, including ~~but not limited to, shared water systems~~ multi-parcel water systems, state small community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve from two to 199 domestic, commercial, industrial or recreational connections;
 - c. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve less than 15 domestic, commercial, industrial, or recreational connections, or agricultural operations;
 - d. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SR-M, SR-H and MHP zoning districts;
 - e. Water diversion projects;

- f. ~~Septic tanks or~~ In-ground septic systems, including dry wells on all lots in designated a lot located in a Special Problem Areas that is designated as such due to for sewage disposal constraints.
 - g. Alternative waste disposal systems that utilize mound or evapo-transpiration systems.
 - h. Utility lines for gas, electricity, television, or other similar utilities, proposed to serve five or more connections;
 - i. Electrical substations subject to the performance standards and district requirements of the Public Works, Utilities and Private Service Facilities District, Section 35-88, excluding major electric transmission substations;
 - j. Uses, buildings, and structures accessory and customarily incidental or similar to the above uses.
3. Development ~~subject to that requires~~ a Major Conditional Use Permit (Section 35-172 et seq.) in compliance with Section 35-172 (Conditional Use Permits) and a Coastal Development Permit (Section 35-169 et seq.) issued in compliance with Section 35-169 (Coastal Development Permits):
- a. Seawater desalination projects including intake, storage, treatment, distribution lines and ancillary facilities, proposed to serve from 15 to 199 domestic, commercial, industrial, or recreational connections;
 - b. Bulk water importation facilities, including but not limited to, those associated with ocean going vessels, or other similar facilities;
 - c. Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections;
 - d. Electrical transmission lines;
 - e. Uses, buildings, and structures accessory and customarily incidental to the above uses.

SECTION 8:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.1 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

1. **Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a ~~Conditional Use Permit or Development Plan~~ discretionary permit.** This Section provides the processing requirements for applications for Coastal Development Permits that are not subject to Section 35-169.4.2 or Section 35-169.4.3 below.
- a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. The Director shall review the Coastal Development Permit application for compliance with the Comprehensive Plan including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable regulations, and approve, conditionally approve, or deny the Coastal Development Permit.
 - c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - d. No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved, or conditionally approved, in compliance with this Section shall not be issued or deemed effective:
 - 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker in compliance with Section 35-182 (Appeals).

- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- e. If a Coastal Development Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.
- f. On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
- g. Prior to approval or conditional approval of a Coastal Development Permit, notice of the pending decision shall be given in compliance with Sections 35-181 (Noticing).
- h. Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 9:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.2 of Section 35-169.4, Processing, of Section 35-169, Coastal Development Permits, to read as follows:

2. **Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan compliance with Section 35-169.4.3.** This Section provides the processing requirements for applications for Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and that is not subject to Section 35-169.4.3 below.
 - a. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
 - b. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
 - c. **Decision-maker, hearing requirements and notice requirements.**
 - 1) **Applications for certain solar energy facilities and Residential Second Units.** Applications for freestanding solar energy systems that are accessory and incidental to the principal use of the lot that the system is located on and Residential Second Units on lots located in residential zone districts shall be processed in compliance with the following:

- a) Notice of the submittal of the application and pending decision of the Director shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action).
 - b) The Director shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required.
 - c) The action of the decision-maker is final subject to appeal, including an appeal to the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) All other applications.** Applications for development other than such development specified in Subsection 2.c.1) (Applications for certain solar energy facilities and Residential Second Units), above, shall be processed in compliance with the following:
- a) The decision-maker shall review the application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
 - e. b) The Zoning Administrator shall hold at least one noticed public hearing unless waived in compliance with Subsection 2.e 2.d (Waiver of public hearing), below, on the requested Coastal Development Permit and approve, conditionally approve, or deny the request.
 - d. c) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - d) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
- e-d. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with all of the following requirements: If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of Coastal Development Permit applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available Zoning Administrator's hearing agenda following the mailing of the notice.
- 1) The project qualifies as "minor development" which for the purposes of this Section means a development which the Director determines satisfies all of the following requirements:
 - a) The development is consistent with the County's Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b) The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c) The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
 - 2) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - a) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken ~~by the County of Santa Barbara~~ on the Coastal Development Permit application to the County ~~of Santa Barbara~~ and the Coastal Commission.

- 3) A written request for public hearing is not received by the ~~Planning and Development~~ Department within the 15 working days immediately following the date the notice, ~~required~~ in compliance with Section ~~35-169.4.2.e.2)~~ 35-169.4.2.d.2), above, is mailed.

~~If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Coastal Development Permit. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator's hearing agendas.~~

- ~~f. The action of the decision maker is final subject to appeal in compliance with Section 35-182 (Appeals).~~

- ~~g-e.~~ No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved or conditionally approved in compliance with this Section 35-169.4.2 shall not be issued or deemed effective:

- 1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals).
- 2) Until the applicant has signed the Coastal Development Permit.
- 3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied.
- 4) Until all other necessary prior approvals have been obtained.
- 5) Within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in compliance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

- ~~h-f.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment, ~~unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article, and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.~~

- ~~i-g.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

- ~~j-h.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 10:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.4.3 of Section 35-169.4 (Processing), of Section 35-169 (Coastal Development Permits), to read as follows:

3. **Coastal Development Permits processed in conjunction with a ~~Conditional Use Permit or a Final Development Plan~~ discretionary permit application.** This Section provides the processing requirements for applications for Coastal Development Permits for development that also require a ~~Conditional Use Permit (Section 35-172) or Final Development Plan (Section 35-174)~~ discretionary permit as specified in Subsection 3.a, below.

- a. An application for a Coastal Development Permit processed in compliance with this Section 35-169.4.3 shall be processed concurrently and in conjunction with any associated application for a ~~Conditional Use Permit or a Final Development Plan~~ the following.

~~1) — An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit or Final Development Plan that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) or Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit or Final Development Plan, including all phases of development that may be authorized by the Conditional Use Permit or Final Development Plan.~~

~~a) — The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit or Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.~~

1) Conditional Use Permits. An application for a Major Conditional Use Permit or a Minor Conditional Use Permit processed in compliance with Section 35-172 (Conditional Use Permits).

a) An application for a Coastal Development Permit processed concurrently with a Conditional Use Permit that includes a phasing plan in compliance with Section 35-172.9.3.b (Conditional Use Permits with approved phasing plans) shall include all components of the development included in the application for the Conditional Use Permit, including all phases of development that may be authorized by the Conditional Use Permit.

i) The application for the Coastal Development Permit may include phased timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Conditional Use Permit, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

2) Demolition and Reclamation Permits. An application for a Demolition and Reclamation Permit processed in compliance with Section 35-170 (Abandonment of Certain Oil/Gas Land Uses).

3) Final Development Plans. An application for a Final Development Plan processed in compliance with Section 35-174 (Development Plans).

a) An application for a Coastal Development Permit processed concurrently with a Final Development Plan that includes a phasing plan in compliance with Section 35-174.9.3.b.2) (Final Development Plans with approved phasing plans) shall include all components of the development included in the application for the Final Development Plan, including all phases of development that may be authorized by Final Development Plan.

i) The application for the Coastal Development Permit may include phased

timelines for the construction of the project and the fulfillment of conditions. However, there shall be only one Coastal Development Permit issued for the whole of the development and/or use authorized by the Final Development Plan, and the Coastal Development Permit shall not authorize the issuance of multiple Coastal Development Permits that allow the development of different project components at different times.

- 4) Modifications.** An application for a Modification processed in compliance with Section 35-179 (Modifications) if the Coastal Development Permit for the development requested by the Modification is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - 5) Oil and Gas Exploration or Production Plans.** An application for an Oil and Gas Exploration or Production Plan processed in compliance with Section 35-176 (Oil and Gas Exploration and Production Plans).
 - 6) Variance.** An application for a Variance processed in compliance with Section 35-173 (Variances) if the Coastal Development Permit for the development requested by the Variance is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).
- b. ~~The decision-maker for the Conditional Use Permit or Final Development Plan as applicable associated application described in Subsection 3.a. above,~~ shall be the decision-maker for the Coastal Development Permit; except as provided below:
- 1) ~~The Zoning Administrator shall be the decision maker for Coastal Development Permits associated with Final Development Plans under the jurisdiction of the Director (Section 35-174) for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~

If an application for a Coastal Development Permit processed concurrently and in conjunction with an application for a Final Development Plan under the jurisdiction of the Director in compliance with Section 35-174 (Final Development Plans) is for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals), then the Zoning Administrator shall be the decision-maker for both the Coastal Development Permit and the Final Development Plan.
- c. After receipt of the Coastal Development Permit application, the ~~Planning and Development~~ Department shall review the application in compliance with the requirements of the California Environmental Quality Act, unless the development is exempt from CEQA.
- d. For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).
- ~~d.e.~~ The decision-maker shall review the Coastal Development Permit application for ~~conformance~~ compliance with the Comprehensive Plan, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations.
- e. ~~For residential structures on lots adjacent to the sea, the application shall be subject to Design Review in compliance with Section 35-184 (Board of Architectural Review).~~
- f. **Public hearing requirement.**
- 1) **Development that is not appealable to the Coastal Commission.** For development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the decision-maker shall approve, conditionally approve, or deny the requested Coastal Development Permit. A public hearing is not required unless required in compliance with ~~Section 35-174.6.6.b~~ the processing requirements of the associated application described in Section 35-169.4.3.a.
 - ~~g.~~ 2) **Development that is appealable to the Coastal Commission.** For development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) the

decision-maker shall hold at least one noticed public hearing on the requested Coastal Development Permit and approve, conditionally approve, or deny the ~~requested Coastal Development Permit request~~.

~~h-g.~~ Notice of the time and place of ~~any applicable~~ the public hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).

~~i-h.~~ The action of the decision-maker ~~on a Coastal Development Permit~~ is final subject to appeal in compliance with Section 35-182 (Appeals).

1) In compliance with Public Resources Code Section 30603, the approval or conditional approval of a Coastal Development Permit for appealable development, including a Coastal Development Permit approved or conditionally approved in conjunction with a Conditional Use Permit (i.e., any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map) is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

a) An action by the decision-maker to deny a Coastal Development Permit for a major public works project or major energy facility is also appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).

~~2) In compliance with Public Resources Code Section 30603, a Coastal Development Permit approved in conjunction with a Final Development Plan for appealable development is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals).~~

~~j-i.~~ No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit. A Coastal Development Permit approved in compliance with this Section ~~35-169.4.3~~ shall not be issued or deemed effective:

1) Prior to the expiration of the appeal period or, if appealed, prior to final action on the appeal by the decision-maker, including the Coastal Commission, in compliance with Section 35-182 (Appeals);

2) Until the applicant has signed the Coastal Development Permit;

3) Until all conditions of the Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit have been satisfied;

4) Until all other necessary prior approvals have been obtained; ~~and,~~

5) ~~Within~~ For projects that are appealable to the Coastal Commission, within the 10 working days following the date of receipt by the Coastal Commission of the County's Notice of Final Action during which time an appeal of the action may be filed in accordance with Section 35-182 (Appeals).

~~No entitlement for development shall be granted prior to the effective date of the Coastal Development Permit.~~

~~k-j.~~ If a Coastal Development Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment; unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors, or unless (2) the effective date of a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) was approved by the County before is prior to the adoption of the Board's resolution and the proposed uses or and structures are in conformance with the approved Preliminary or Final Development Plan.

~~l-k.~~ On property located within the Montecito Community Plan area, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.

- ~~m-1.~~ Except for projects located in the jurisdictional area of the North County Board of Architectural Review where time limits for review of the project by the North Board of Architectural Review are exceeded as specifically described in Section 35-184.3.2.c, a Coastal Development Permit for any structure that requires design review in compliance with Section 35-184 (Board of Architectural Review) shall not be issued until the structure has received Final Approval from the Board of Architectural Review.

SECTION 11:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-169.6 (Expiration), of Section 35-169 (Coastal Development Permits), to read as follows:

Section 35-169.6 Permit Expiration and Extension.

1. Coastal Development Permits approved in compliance with Section 35-169.4.1 and 35-169.4.2.

- a. ~~The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- b. ~~A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- c. ~~Prior to the expiration of such two year period in 1.b above, the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.~~

Approved or conditionally approved Coastal Development Permits. An approved or conditionally approved Coastal Development Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

2. Coastal Development Permits approved in compliance with Section 35-169.4.3.

- a. ~~The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision maker action. Prior to the expiration of the approval, the decision maker who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- 1) ~~Prior to the expiration of a time extension approved in compliance with Subsection 2.a above, the decision maker who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.~~
- b. ~~A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.~~
- c. ~~A Coastal Development Permit whose expiration date has been extended in compliance with Subsections 2.a and/or 2.b above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).~~

Issued Coastal Development Permits. An issued Coastal Development Permit shall expire two years

from the date of issuance and shall be considered void and of no further effect unless:

- a. The use, or structure for which the Coastal Development Permit was issued has been established or commenced in conformance with the issued Coastal Development Permit, or
 - b. An application for a Time Extension is submitted prior to the expiration of the issued Coastal Development Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
3. A Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) whose expiration date has been extended in compliance with Subsection 1 (Approved and conditionally approved Coastal Development Permits) and/or Subsection 2 (Issued Coastal Development Permits), above, will nevertheless expire at the earlier of:
- a. The expiration of the most recent time extension, or
 - b. The expiration of the discretionary application approved in conjunction with the Coastal Development Permit as modified by any extension thereto.

SECTION 12:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-172.9, Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration, of Section 35-172, Conditional Use Permits, to read as follows:

Section 35-172.9 Requirements Prior to Commencement of Conditionally Permitted Uses and Permit Expiration.

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.

2. Permits required.

- a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit either by:

- 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
- 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

2. **b. Land Use Permit required.** ~~Before the commencement of the development and/or use authorized by a Conditional Use Permit a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit if the approval of a Substantial Conformity Determination in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by

the Conditional Use Permit.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Conditional Use Permit occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required by the County to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- a- 3) ~~Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following approval of the Coastal Development Permit by the Coastal Commission.~~
If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.
- c. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Conditional Use Permit.
 - 1) A Zoning Clearance is not required for any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
 - 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required to represent compliance with any conditions established by the Conditional Use Permit and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
 - 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. Time limit, permit expiration and extension.

- a. **Conditional Use Permits without approved phasing plans.** If at the time of approval of a Conditional Use Permit the Conditional Use Permit does not include an approved phasing plan for development of the project authorized by the Conditional Use Permit, then a time limit shall be established within which the required Land Use Permit or Zoning Clearance, as applicable, shall be issued.
 - 1) The time limit shall be a reasonable time based on the nature and size of the proposed development or use.
 - 2) If a time limit is not specified, the time limit shall be 18 months from the effective date of the Conditional Use Permit. ~~The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or, if appealed, the date of final action on the appeal by the County or the Coastal Commission.~~
 - 3) ~~The decision maker with jurisdiction over the project in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) may extend the time limit one time for good cause shown provided:~~

- ~~a) A written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~
- ~~b) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Conditional Use Permit.~~
- 4) An approved Conditional Use Permit shall expire and be considered void and of no further effect if:
 - a) The ~~required~~ time limit in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, has expired and an extension has not been approved unless an application for a Time Extension is submitted prior to the expiration of the time limit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions), or
 - b) The Coastal Development Permit approved in conjunction with the Conditional Use Permit has expired.

b. Conditional Use Permits with approved phasing plans. If at the time of approval of a Conditional Use Permit the Conditional Use Permit includes a phasing plan for development of the project authorized by the Conditional Use Permit, then the required Land Use Permit, or Zoning Clearance, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.

- 1) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Conditional Use Permit in compliance with Section 35-172.11 (Substantial Conformity, Amendments and Revisions).
- 2) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for the first phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then the Conditional Use Permit shall be considered void and of no further effect.
- 3) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance for any subsequent phase of the project authorized by the Conditional Use Permit shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - a) The Conditional Use Permit shall be considered void and of no further effect as to that phase and any subsequent phase(s) of the project.
 - b) The Conditional Use Permit is automatically revised to eliminate phases of project from the project authorized by the Conditional Use Permit that are considered void and of no further effect in compliance with Subsection 3.b.3)a), above.
- 4) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit with a phasing plan in compliance with Section 35-169.4.3.a.1.
- 5) A Conditional Use Permit with an approved phasing plan shall be considered to be void and of no further effect if the associated Coastal Development Permit has expired.

4. Conditional Use Permit void due to discontinuance of use. A Conditional Use Permit shall become void and ~~be automatically revoked of no further effect~~ if the development and/or authorized use allowed by the Conditional Use Permit is discontinued for a period of more than 12 months unless an application for a Time Extension is submitted prior to the expiration of the 12 month period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- ~~a) The time limit for discontinuance may be extended by the decision maker with jurisdiction over the project, in compliance with Section 35-172.3 (Conditional Use Permits, Jurisdiction) one time for good cause shown provided a written request that includes a statement of the reasons for the time~~

~~extension request, is filed with the Planning and Development Department prior to expiration date.~~

The application for the Time Extension shall include a statement of the reasons why the Time Extension is requested.

SECTION 13:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-174.9, Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration, of Section 35-174, Development Plans, to read as follows:

Section 35-174.9 Requirements Prior to Commencement of Development Allowed by a Final Development Plan and Development Plan Expiration.

1. ~~Coastal Development Permit required.~~ Prior to the commencement of the development and/or authorized use permitted by the Final Development Plan, a Coastal Development Permit and a Land Use Permit and/or Zoning Clearance, as applicable, authorizing such development and/or use shall be ~~obtained~~ issued.
2. **Permits required.**
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development and/or authorized use allowed by the Final Development Plan either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
 2. **b. Land Use Permit required.** ~~Before the commencement of development and/or use allowed by a Final Development Plan a Land Use Permit authorizing the development and/or use shall be issued in compliance with Section 35-178 (Land Use Permits).~~

In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, and, when applicable, a Zoning Clearance required in compliance with Subsection 2.c (Zoning Clearance Required), below, a Land Use Permit shall also be issued in compliance with Section 35-178 (Land Use Permits) prior to the commencement of development and/or authorized use allowed by the Final Development Plan if the approval of a Substantial Conformity Determination in compliance with Section 35-174.10 (Substantial Conformity, Amendments and Revisions) is required as a result of changes to the project allowed by the Final Development Plan.

- 1) If the approval of a Substantial Conformity Determination for all or a portion of the development and/or authorized use allowed by the Final Development Plan occurs following the approval of a Zoning Clearance for the same development and/or authorized use, then the extent of the project allowed by the Land Use Permit is limited to that portion of the project which is the subject of the Substantial Conformity Determination.
- 2) Under this Subsection 2.b (Land Use Permit required), the Land Use Permit is the final planning permit required to represent compliance with any conditions established by the Final

Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.

- a. 3) ~~Where the Coastal Development Permit required by Subsection 1 above has been approved by the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission, the Land Use Permit shall be issued following the approval of the Coastal Development Permit by the Coastal Commission.~~

If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a (Coastal Development Permit required), above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Land Use Permit by the Director.

- c. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development and/or authorized use allowed by the Final Development Plan.

- 1) A Zoning Clearance is not required by any portion of the development and/or use that is allowed in compliance with a Land Use Permit issued in compliance with Subsection 2.b (Land Use Permit required), above.
- 2) Under this Subsection 2.c (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by the Final Development Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
- 3) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

3. **Time limit, permit expiration and extension.**

- a. ~~A Preliminary Development Plan shall expire two years after its approval, except that, for good cause shown, it may be extended one time for one year from the date the extension is granted by the decision maker with jurisdiction over the Preliminary Development Plan in compliance with Section 35-174.2 (Applicability). The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Preliminary Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan.~~

Preliminary Development Plans. An approved or conditionally approved Preliminary Development Plan shall expire two years from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to expiration of the approved or conditionally approved Preliminary Development Plan and subsequently approved or conditionally approved.

b. **Final Development Plans.**

- 1) **Final Development Plans without approved phasing plans.** If at the time of approval of a Final Development Plan the Final Development Plan does not include an approved phasing plan for development of the project authorized by the Final Development Plan, the following time limits shall apply.
 - a) **Final Development Plans for agricultural developments.** Within the Rural area as designated on the ~~Comprehensive~~ Coastal Land Use Plan maps, for lots with a base zone of AG-II and no designated ~~Comprehensive~~ Coastal Land Use or zoning overlays,

an approved or conditionally approved Final Development Plans for agricultural development shall expire 10 years after following the effective date of the approval and shall be considered void and of no further effect unless;

- i) sSubstantial physical construction has been completed on the development in compliance with an issued Coastal Development Permit, or
- ii) a time extension is approved in compliance with Subsection b)3), below An application for a Time Extension is submitted prior to the expiration of the 10-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

b) Final Development Plans for other than agricultural developments. Except as provided in Subsection 3.b.1)a) (Final Development Plans for agricultural developments), above, Final Development Plans for other than agricultural developments shall expire five years after following the effective date of the approval and shall be considered void and of no further effect unless;

- i) sSubstantial physical construction has been completed on the development, or
- ii) a time extension is approved in compliance with Subsection b)3), below An application for a Time Extension is submitted prior to the expiration of the five-year period and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

~~e) **Time extensions.** The decision maker with jurisdiction over the project in compliance with Section 35-144B (Applications That are Within the Jurisdiction of More Than One Final Decision Maker) and Section 35-174.2 (Applicability) may extend the time limit one time good cause shown provided a written request that includes a statement of the reasons for the time extension request is filed with the Planning and Development Department prior to the expiration date.~~

- ~~i) The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first.~~
- ~~ii) The approved time extension shall not extend the time in which to obtain the required Land Use Permit beyond the maximum potential expiration date of the Coastal Development Permit approved in conjunction with the Final Development Plan.~~

2) Final Development Plans with approved phasing plans. If at the time of approval of a Final Development Plan the Final Development Plan includes a phasing plan for development of the project authorized by the Final Development Plan, then the required Zoning Clearance or Land Use Permit, as applicable, shall be issued within the time limit(s) established by the phasing plan. The phasing plan shall include a timeline within which each project component shall be constructed and the conditions of approval that must be satisfied prior to each phase of construction.

- a) The time limit may be extended only by revising the phasing plan for development of the project authorized by the Final Development Plan in compliance with Subsection 1 (Substantial Conformity), Subsection 2 (Amendments) or Subsection 3 (Revisions) of Section 35-174.10 (Substantial Conformity, Amendments and Revisions).
- b) If the required time limit(s) in which ~~to obtain~~ the Land Use Permit or Zoning Clearance, as applicable, for the first phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing

plan has not been submitted, then the Final Development Plan shall be considered to have expired and of no further effect.

- c) If the required time limit(s) in which ~~to obtain~~ the required Land Use Permit or Zoning Clearance, as applicable, for any subsequent phase of the project authorized by the Final Development Plan shall be issued has expired and an application to revise the phasing plan has not been submitted, then:
 - i) The Final Development Plan shall be considered to have expired and of no further effect as to that phase and any subsequent phase(s) of the project.
 - ii) The Final Development Plan is automatically revised to eliminate phases of project from the project authorized by the Final Development Plan that are considered to have expired and of no further effect in compliance with Subsection 3.b.2)c)i, above.
- d) A Coastal Development Permit shall be processed concurrently and in conjunction with a Final Development Plan with a phasing plan in compliance with Section 35-169.4.3.a.1.
- e) The Final Development Plan shall be considered to be void and of no further effect if the Coastal Development Permit approved in conjunction with the Development Plan has expired.

SECTION 14:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.3, Contents of Exploration Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 11 to read as follows:

- 11. An application for a Coastal Development Permit for the development requested by the Exploration Plan application shall also be submitted and processed concurrently and in conjunction with the Exploration Plan application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:
 - 1) Within the retained permit jurisdiction of the Coastal Commission; or
 - 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 15:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176.8, Contents of Production Plan, of Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Subsection 6 to read as follows:

- 6. An application for a Coastal Development Permit for the development requested by the Production Plan application shall also be submitted and processed concurrently and in conjunction with the Production Plan application except as follows:
 - a. The Coastal Commission approves the Coastal Development Permit when the development is located:

- 1) Within the retained permit jurisdiction of the Coastal Commission; or
- 2) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.

SECTION 16:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-176, Oil and Gas Exploration and Production Plans, to add a new Section 35-176.12 titled "Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan" and to read as follows:

Section 35-176.12 Requirements Prior to Commencement of Development Allowed by an Exploration Plan or Production Plan.

1. Prior to the commencement of the development and/or authorized use permitted by an Exploration Plan or Production Plan, a Coastal Development Permit and a Zoning Clearance authorizing such development shall be issued.
2. **Permits required.**
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the development allowed by an Exploration Plan or Production Plan either by:
 - 1) The County in compliance with Section 35-169 (Coastal Development Permits), or
 - 2) The Coastal Commission when the development is located:
 - a) Within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b); or
 - b) In areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - b. **Zoning Clearance required.** In addition to a Coastal Development Permit required in compliance with Subsection 2.a (Coastal Development Permit required), above, the issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) shall be required prior to the commencement of the development allowed by an Exploration Plan or Production Plan.
 - 1) Under this Subsection 2.b (Zoning Clearance required), the Zoning Clearance is the final planning permit required by the Department to represent compliance with any conditions established by an Exploration Plan or Production Plan and/or Coastal Development Permit and does not have any effect on the associated Coastal Development Permit.
 - 2) If the Coastal Commission is the decision-maker for the Coastal Development Permit in compliance with Subsection 2.a, above, then the approval of the Coastal Development Permit by the Coastal Commission shall occur prior to the issuance of the Zoning Clearance by the Director.

SECTION 17:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 5. of Section 35-178.4, Processing, of Section 35-178, Land Use Permits, to read as follows:

5. If a Land Use Permit is requested for property subject to a resolution of the Board of ~~Supervisors~~ initiating

a rezoning or amendment to this Article, a Land Use Permit shall not be approved or conditionally approved while the proceedings are pending on such rezoning or amendment; unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board of Supervisors unless or (2) the effective date of a Preliminary or Final Development Plan was approved in compliance with Section 35-174 (Development Plans) by the County before precedes the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Preliminary or Final Development Plan.

SECTION 18:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-178.6, Expiration, of Section 35-178, Land Use Permits, to read as follows:

Section 35-178.6 Permit Expiration and Extension.

1. ~~The approval or conditional approval of a Land Use Permit shall be valid for 12 months from the effective date of decision maker action except that a Land Use Permit approved or conditionally approved and unissued as of November 14, 2013 shall be valid for 12 months following November 14, 2013. Prior to the expiration of the approval, the Director may extend the approval one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Approved and conditionally approved Land Use Permits. Except as provided in Subsection 1.a, below, an approved or conditionally approved Land Use Permit shall expire 12 months from the effective date and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

- a. An unexpired, approved or conditionally approved Land Use Permit that has not been issued as of November 14, 2013 shall expire on November 14, 2014 and shall be considered void and of no further effect unless an application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).
2. ~~A Land Use Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced. Prior to the expiration of the two year period, the Director may extend such period one time for one year if good cause is shown, and the applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) can still be made.~~

Issued Land Use Permits. An issued Land Use Permit shall expire two years from the date of issuance and shall be considered void and of no further effect unless:

- a. The use or structure for which the Land Use Permit was issued has been established or commenced in conformance with the issued Land Use Permit, or
- b. An application for a Time Extension is submitted prior to the expiration of the issued Land Use Permit and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

SECTION 19:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-179.7, Expiration, of Section 35-179, Modifications, to read as follows:

Section 35-179.7 Permit Expiration and Extension.

1. Unless otherwise specified by conditions of project approval, an approved or conditionally approved Modification shall expire one year from the effective date of approval and shall be considered void and of no further effect if a ~~unless:~~

- a. A Coastal Development Permit has not been issued for the modified building or structure; that is the subject of the Modification, or
- b. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown.

An application for a Time Extension is submitted prior to the expiration of the approved or conditionally approved Modification and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

2. ~~Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.~~

If the Coastal Development Permit for the structure that is the subject of the Modification expires, then the Modification shall also expire and be considered void and of no further effect.

SECTION 20:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete existing Section 35-179A, Time Extensions Due to Economic Hardship, in its entirety and replace with a new Section 35-179A titled "Zoning Clearances" to read as follows:

Section 35-179A Zoning Clearances.

1. **Purpose and intent.** This Section provides procedures and findings to allow for the approval of, and effective time periods for, Zoning Clearances which may be required in compliance with Subsection 2. (Applicability), below. The intent of this Section is to ensure that development conforms to the provisions of the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County.

2. **Applicability.**

- a. **Zoning Clearance required.** A Zoning Clearance shall be issued by the Director where a Zoning Clearance is required in compliance with this Article unless other requirements of this Article specify that the Zoning Clearance is not required or that the activity is exempt from the approval of a planning permit in compliance with Section 35-169.2 (Applicability). A Zoning Clearance shall not take the place of a required Coastal Development Permit.

- b. **Zoning Clearance approval.** The issuance of a Zoning Clearance certifies that the land use or development will satisfy:

- 1) All conditions of approval of a Coastal Development Permit that are required to be satisfied prior to the issuance of the Coastal Development Permit.
- 2) All conditions of approval of any existing approved permits for the subject property, including applicable discretionary projects (e.g., Conditional Use Permit, Final and Parcel Maps, Development Plans).

3. **Contents of application.** An application for a Zoning Clearance shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).

4. Processing.

- a. Review for compliance.** The Director shall review the Zoning Clearance application for compliance with the Comprehensive Plan and the Local Coastal Program, including the Coastal Land Use Plan and any applicable community or area plan, this Article, and any conditions or development standards established by the County, including any discretionary approvals applicable to the site and issue, conditionally issue or deny the request. A Zoning Clearance shall not be issued by the Director until:
- 1) All necessary prior approvals have been obtained.
 - 2) The Director has determined that the subject property is in compliance with all laws, regulations, and rules pertaining to zoning uses, subdivisions, setbacks, and any other applicable provisions of this Article, and if applicable, that zoning violation enforcement and processing fees, as established from time to time by the Board, have been paid. This Subsection shall not be interpreted to impose new requirements on nonconforming structures and uses in compliance with Division 10 (Nonconforming Structures and Uses).
- b. Decision not subject to appeal.** The action of the Director to issue, conditionally issue or deny a Zoning Clearance, is final and not subject to appeal.
- c. Design Review required.** A Zoning Clearance for any structure that requires Design Review shall not be issued until the structure receives final Design Review approval in compliance with Section 35-184 (Board of Architectural Review).
- d. Zoning Clearance subject to resolution of the Board.** If a Zoning Clearance is requested for property subject to a resolution of the Board initiating a rezoning or amendment to this Article, a Zoning Clearance shall not be issued or conditionally issued while the proceedings are pending on such rezoning or amendment unless (1) the proposed uses or structures will conform to both the existing zoning and existing provisions of this Article and the rezoning or amendment initiated by the Board or (2) the effective date of a Major Conditional Use Permit or Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) or a Preliminary or Final Development Plan approved in compliance with Section 35-174 (Development Plans) is prior to the adoption of the Board's resolution and the proposed uses and structures are in conformance with the approved Major Conditional Use Permit or Minor Conditional Use Permit or Preliminary or Final Development Plan.

5. Permit expiration and extension.

- a.** A Zoning Clearance shall remain valid only as long as compliance with all applicable provisions of this Article and the Zoning Clearance conditions continues.
- b.** An issued Zoning Clearance shall expire two years from the date of issuance and shall be considered void and of no further effect unless:
- 1) The use or structure for which the Zoning Clearance was issued has been established or commenced in compliance with the issued Zoning Clearance, or
 - 2) An application for a Time Extension is submitted prior to the expiration of the Zoning Clearance and subsequently approved or conditionally approved in compliance with Section 35-179B (Time Extensions).

6. Minor changes to Zoning Clearances. Minor changes to an issued Zoning Clearance may be allowed provided the changes substantially conform to the issued Zoning Clearance. A request to allow a minor change shall be processed in compliance with the following:

- a.** The Director may approve a minor change to a Zoning Clearance, subject to all of the following:

- 1) The Director determines that the minor change substantially conforms to the approved plans and the originally approved or issued permit.
 - 2) There is no change in the use or scope of the development.
 - 3) The minor change does not result in a change to the Director's conclusions regarding the project's specific conformance to development standards and findings.
 - 4) The Zoning Clearance has not expired.
 - 5) The minor change is exempt from Design Review in compliance with Section 35-184 (Board of Architectural Review).
- b. Where a minor change of an issued Zoning Clearance is approved, the Zoning Clearance shall have the same effective and expiration dates as the original Zoning Clearance and no additional public notice shall be required.
 - c. Where it cannot be determined that the minor change materially conforms to an approved or issued Zoning Clearance in compliance with the above criteria, a new Zoning Clearance shall be required.
 - d. The determination to allow a minor change to an issued Zoning Clearance is final and not subject to appeal.
- 7. Zoning Clearance revocation.** Issuance of a Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development in compliance with the following:
- a. **Notification.** Written notice of such Revocation shall be provided to the permittee.
 - b. **Appeal.** The action of the Director to revoke a Zoning Clearance is final subject to appeal in compliance with Section 35-182 (Appeals).

SECTION 21:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179B titled "Time Extensions" to read as follows:

Section 35-179B. Time Extensions.

- A. Purpose and intent.** The purpose of this Section is to provide the procedures and findings for approval of Time Extensions that may be allowed in compliance with this Article.
- B. Applicability and filing.** The provisions of this Section shall apply to all applications for Time Extensions. The application shall be submitted prior to the expiration of the permit that is the subject of the Time Extension request. However, final action by the County on the application may occur following the date that the permit would otherwise expire.
- C. Contents of application.** An application for a Time Extension shall be filed and processed in compliance with Section 35-57A (Application Preparation and Filing).
- D. Processing.** References to decision-maker in this Section 35-179B (Time Extensions), including the following Table 11-1 (Permit Expiration and Time Extensions), shall mean the decision-maker responsible for reviewing and making a decision on the specific planning permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) unless a specific decision-maker (e.g., Board, Director, Planning Commission, Zoning Administrator) is

otherwise identified.

Table 11-1 Permit Expiration and Time Extensions

<u>Type of Permit</u>	<u>Permit Expiration</u>	<u>Number and Length of Time Extensions</u>	<u>Time Extension Decision-maker</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Director (1)</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Director</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Zoning Administrator</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Zoning Administrator</u>
<u>Coastal Development Permits initially approved or conditionally approved by the Planning Commission</u>	<u>One year following effective date</u>	<u>One time for 12 months (2)</u>	<u>Planning Commission</u>
<u>Coastal Development Permits that have been issued</u>	<u>Two years following date of issuance</u>	<u>One time for 12 months</u>	<u>Director</u>
<u>Conditional Use Permits, Major</u>	<u>18 months from effective date or other approved time period</u>	<u>One time, length of extension to be determined at time of approval</u>	<u>Planning Commission</u>
<u>Conditional Use Permits, Minor</u>	<u>18 months from effective date or other approved time period</u>	<u>One time, length of extension to be determined at time of approval</u>	<u>Zoning Administrator</u>
<u>Design Review</u>	<u>See Note (3)</u>		
<u>Development Plans, Final</u>	<u>Five years from effective date</u>	<u>One time for 12 months (4)</u>	<u>Initial decision-maker</u>
<u>Development Plans, Preliminary</u>	<u>Two years from effective date</u>	<u>One time for 12 months (4)</u>	<u>Initial decision-maker</u>
<u>Emergency Permits</u>	<u>See Note (5)</u>	<u>N/A</u>	<u>N/A</u>
<u>Land Use Permits, approved or conditionally approved</u>	<u>One year following effective date</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Land Use Permits, issued</u>	<u>Two years from date of issuance</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Modifications</u>	<u>See Note (6)</u>	<u>One time for 12 additional months</u>	<u>Director</u>
<u>Zoning Clearances</u>	<u>Two years from date of issuance</u>	<u>One time for 12 additional months</u>	<u>Director</u>

Notes:

- (1) This includes applications for time extensions where the requirement for a public hearing has been waived by the Director.
- (2) The expiration of a Coastal Development Permit approved in conjunction with a discretionary permit may be extended for two additional two year periods.
- (3) Board of Architectural Review approvals shall expire on the date the associated development permit (e.g., Coastal Development Permit), including time extensions, expires. Where there is no associated development permit, Board of Architectural Review approvals shall expire two years from the date of approval, except that the Director may grant an extension of the approval if an active development permit is being processed by the Department.
- (4) A Development Plan (Preliminary or Final) shall expire 12 months from the effective date of the time extension or two years from the initial effective date of approval of the Development Plan, whichever occurs first.
- (5) The Director may specify an expiration date at the time of permit approval.
- (6) A Modification shall expire one year from the effective date if a Coastal Development Permit has not been issued for the development. Once the Coastal Development Permit has been issued, the Modification shall have the expiration date as the issued Coastal Development Permit.

1. Coastal Development Permits.

- a. Approved and conditionally approved Coastal Development Permits.** The decision-maker responsible for reviewing and making a decision on the Coastal Development Permit in compliance with Table 1-1 (Decision-maker Authority of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) **Decision and hearing.**
 - a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b) **Applications under the jurisdiction of the Planning Commission or Zoning Administrator.**
 - i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 5) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.
 - 6) If the initial expiration of a Coastal Development Permit approved in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application) was extended in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits), above, then the decision-maker may approve two additional time extensions for two years each for good cause in compliance with this Subsection D.1.a (Approved and conditionally approved Coastal Development Permits).
- b. Issued Coastal Development Permits.** The Director may extend the expiration of an issued Coastal Development Permit one time for 12 additional months for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - 2) Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - 3) The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - 4) The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 5) A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit) that were made in conjunction with the initial approval of the Coastal Development Permit can still be made.

2. Conditional Use Permits and Minor Conditional Use Permits.

- a. The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit in which the Land Use Permit or Zoning Clearance is required to be issued in compliance with Section 35-172.9.2 (Permit expiration and extension) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve, or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
 - 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-172.8 (Findings Required for Approval) that were made in conjunction with the initial approval of the Conditional Use Permit or Minor Conditional Use Permit can still be made.
- b. **Discontinuance of use.** The decision-maker responsible for reviewing and making a decision on the Conditional Use Permit or Minor Conditional Use Permit in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) may extend the time limit that a Conditional Use Permit or Minor Conditional Use Permit would become void and automatically revoked due to discontinuance of use in compliance with Section 35-172.9.4 (Conditional Use Permit void due to discontinuance of use) one time for good cause shown in compliance with the following:
- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
 - 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
 - 3) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension and approve, conditionally approve or deny the request.
 - 4) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
 - 5) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).

3. Development Plans (Preliminary and Final).

- a. **Extension of permit approval.** The decision-maker responsible for reviewing and making a decision on the Development Plan in compliance with Table 1-1 (Decision-maker Authority) of Section 35-57C (Authority for Land Use and Zoning Decisions) for which the Time Extension is requested may extend the expiration of an approved or conditionally approved Development Plan one time for 12 additional months for good cause shown in compliance with the following:

- 1) After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.
- 2) Notice of the application shall be given in compliance with Section 35-181 (Noticing).
- 3) **Decision and hearing.**
 - a) **Applications under the jurisdiction of the Director.** The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b) **Applications under the jurisdiction of the Commission or Zoning Administrator.**
 - i) The decision-maker shall hold at least one noticed public hearing on the requested Time Extension, unless waived in compliance with Subsection D.7 (Waiver of public hearing), below, and approve, conditionally approve or deny the request.
 - ii) Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Section 35-181 (Noticing).
- 4) The action of the decision-maker is final subject to appeal in compliance with Section 35-182 (Appeals).
- 6) A Time Extension application shall be approved or conditionally approved only if the decision-maker first finds that applicable findings for approval required in compliance with Section 35-174.7 (Findings Required for Approval) that were made in conjunction with the initial approval of the Development Plan can still be made.
- b. **Expiration.** A Development Plan shall expire 12 months from the effective date of the extension or two years from the expiration date of the initial effective date of approval of the Development Plan, whichever occurs first.
4. **Land Use Permits.** The Director may extend the expiration of an approved or conditionally approved, or an issued, Land Use Permit one time for 12 additional months for good cause shown in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act if the application is subject to CEQA.
 - b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-178.5 (Findings Required for Approval of a Land Use Permit) that were made in conjunction with the initial approval of the Land Use Permit can still be made.
5. **Modifications.** The Director may extend the approval of an approved or conditionally approved Modification one time for 12 additional months for good cause shown: in compliance with the following:
 - a. After receipt of an application for a Time Extension the Department shall review the application in compliance with the requirements of the California Environmental Quality Act.

- b. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - c. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - d. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).
 - e. A Time Extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval required in compliance with Section 35-179.6 (Findings Required for Approval) that were made in conjunction with the initial approval of the Modification can still be made.
- 6. Zoning Clearances.** The Director may extend the expiration of an issued Zoning Clearance one time for 12 additional months for good cause shown in compliance with the following:
- a. The Director may approve, conditionally approve or deny the request. A public hearing shall not be required.
 - b. The action of the Director is final and is not subject to appeal.
 - c. A Time Extension shall be approved or conditionally approved only if the Director first determines that the determination that was made in compliance with Section 35-179A.4 (Processing) that was made in conjunction with the initial issuance of the Zoning Clearance can still be made.
- 7. Waiver of public hearing.** The requirement for a public hearing may be waived by the Director in compliance with the following requirements:
- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice in compliance with Section 35-181 (Noticing).
 - 1) The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken on the Time Extension application.
 - b. A written request for public hearing is not received by the Department within the 15 working days immediately following the date the notice in compliance with Subsection D.7.a, above, is mailed.
 - c. If the requirement for a public hearing is waived, then the Director shall be the decision-maker for the Time Extension application.
 - d. A listing of Time Extension applications for which a notice that the public hearing may be waived has been mailed shall be provided on the next available hearing agenda of the decision-maker who would otherwise have jurisdiction over the Time Extension application following the mailing of the notice.
- 8. Time extensions due to economic hardship.** In addition to the Time Extensions provided in Subsection D.1 through Subsection D.6, above, the Director may extend the expiration of a planning permit for additional 24 month periods for good cause in compliance with the following:
- a. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing economic turndown. Examples of economic hardships may include (but are not limited to):
 - 1) Commencing the construction of the project at this time would be unprofitable due to current loan interest rates,
 - 2) Loans are not available to fund the construction of the project, or

- 3) The purchase price of the property for which the permit was approved is greater than the current assessed valuation as determined by the County Assessor.
 - b. The application for the Time Extension shall be filed with the Department in compliance with the following:
 - 1) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
 - 2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
 - 3) The applicant shall include in the application a written statement of the reasons for the economic hardship time extension request.
 - c. Notice of the application shall be given in compliance with Section 35-181.7 (Time Extensions for Applications Under the Jurisdiction of the Director).
 - d. **Findings required for approval.**
 - 1) A time extension application shall be approved only if the Director first finds that:
 - a) All of the findings for approval that were made in conjunction with the initial approval pursuant to Section 35-169.5 (Findings Required for Approval of a Coastal Development Permit), Section 35-172.8 (Findings Required for Approval of a Conditional Use Permit), Section 35-174.7 (Findings Required for Approval of a Preliminary or Final Development Plan), Section 35-178.5 (Findings Required for Approval of a Land Use Permit) or Section 35-179.6 (Findings Required for Approval of a Modification), as applicable, can still be made, and
 - b) Approving the application for time extension will not result in impacts to coastal resources including public access to the shoreline or along the coast, recreation, scenic resources, and sensitive habitats, that may result from the continued delay in the construction of the project for which the time extension is sought.
 - i) If the Director determines that approving the application for the time extension may result in impacts to coastal resources due the delay in the construction of the project, then the Director may approve the application subject to conditions of approval that will allow the Director to make the finding required by Subsection D.8.d.b), above.
 - 2) If the Director cannot make all of the applicable findings required in compliance with Subsection D.8.d (Findings required for approval), above, (e.g., special conditions or mitigation measures required in the initial approval would not ensure compliance with the applicable policies of the Comprehensive Plan, including the Coastal Land Use plan), then the application for the time extension shall be denied.
 - e. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Subsection D.8 (Time extensions due to economic hardship) shall expire and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

E. Effect of expiration. After the expiration of a planning permit no further work shall be done on the site until a new planning permit and any required Building Permit or other County permits are first obtained.

SECTION 22:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of

Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-181 (Noticing) to read as follows:

Section 35-181. Noticing.

Section 35-181.1 Purpose and Intent.

~~The purpose of this section is to set forth~~ This Section establishes the minimum requirements for providing notice of a public hearing and other required noticing, ~~and public hearing provisions and procedures.~~

Section 35-181.2 Notice of Public Hearing and Decision-Maker Action.

~~1. **Minimum Requirements.** Notice shall be given in compliance with Sections 65090-65096 of the Government Code for all projects that require a noticed public hearing or notice of decision by the Director and the following minimum requirements:~~

A. Minimum noticing requirements for projects that require a public hearing or a discretionary notice of decision-maker action. Notice shall be given by the Department in compliance with Government Code Sections 65090 - 65096 for all projects that require a noticed public hearing or notice of decision-maker action, including notice of the application and pending action on a Coastal Development Permit processed in compliance with either Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in compliance with Section 35-169.4.3) or Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a discretionary permit application). Each notice shall comply with the following minimum requirements.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Newspaper publication. Notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

b. Mailed notice. ~~Notice shall be mailed at least 10 calendar days before the scheduled hearing or action by the decision-maker to:~~

~~1) Any person who has filed a written request for notice and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~

~~2) The applicant(s).~~

~~3) Owners of the subject lot, if different from the applicant.~~

~~4) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized County assessment roll, as updated from time to time.~~

~~5) Residents located within a 100-foot radius of the exterior boundaries of the subject lot.~~

~~6) The Coastal Commission.~~

~~7) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~

1) Notice of filing of an application. Notice of the filing of an application shall be mailed no later than 15 calendar days following the Department's determination that an application is complete for processing to:

- a) Any person who has filed a written request for notice and has supplied the Department with self-addressed stamped envelopes.
 - b) The applicant.
 - c) The owner of the subject lot, if different from the applicant.
 - d) Owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - e) All residents located within a 100-foot radius of the exterior boundaries of the subject lot.
 - f) Residents of property located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial or noncommercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunications Facilities) or Section 35-144G (Non-commercial Telecommunications Facilities).
 - g) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located on a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - h) Owners and residents of property located within a 1,000 foot radius of the exterior boundaries of the subject facility lease area of an application for a commercial telecommunications facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities), if the subject lease area is located within 1,000 feet of a lot with a residential zone designation and the application includes a new freestanding antenna that is visible from the surrounding area.
 - i) The Coastal Commission.
- 2) **Notice of public hearing or decision-maker action.** Notice of public hearing or decision-maker action shall be mailed at least 10 days before the scheduled hearing or action to all parties required to receive notice in compliance with Subsection A.1.b.1) (Notice of filing of an application), above.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.b.1) (Notice of filing of an application), above, and A.1.b.2) (Notice of public hearing or decision-maker action), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
- a) Notice of the filing of an application shall be published no later than 15 calendar days following the Department's determination that an application is complete.
 - b) Notice of public hearing or decision-maker action shall be published at least 10 days before the scheduled hearing or action.
 - c) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1.b (Mailed notice) where mail delivery is available to

addresses appearing on the equalized County assessment roll.

4) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.

c. **Optional notice to more than 1,000 owners of property.** If the number of owners ~~and residents~~ to whom notice would be mailed or delivered in compliance with this Section is greater than 1,000, the County may instead provide notice required by Subsection A.1.a (Newspaper publication), above, and Subsection A.1.b.2) (Notice of public hearing or decision-maker action), above, by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 calendar days before the scheduled public hearing or action by the decision-maker.

d. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department) no later than 15 calendar days following the Department's determination that an application is complete for processing.

~~2.~~ e. **Contents of Notice.** The contents of the notice shall be in compliance with Section ~~35-181.4~~ 35-181.8.

2. By the applicant. Notice shall be given by the applicant in compliance with the following:

a. **Posted notice.**

1) The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.

2) The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide, except that for the following applications the notice shall be a minimum of two feet tall by three feet wide:

a) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).

b) Applications for development that is under the jurisdiction of the Planning Commission and requires the approval of a Development Plan in compliance with Section 35-174 (Development Plans), not including applications for Development Plans required solely in compliance with Section 35-169.2.2.

c) Applications for legislative actions under the jurisdiction of the Board.

3) Said notice shall be posted by the applicant:

a) At least 10 days before the scheduled public hearing or decision-maker action if the application is determined to be exempt from the requirements of the California Environmental Quality Act.

b) If the application is determined to be subject to the requirements of the California Environmental Quality Act, on or before the beginning of the first public comment period on the document prepared in compliance with the California Environmental Quality Act.

4) The notice shall be continuously posted from the date required by Subsection A.2.a.3), above, until at least 10 days following an action of the decision-maker to approve,

conditionally approve, or deny the application, including an action on an appeal of the decision of the decision-maker.

- 5) The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled initial public hearing or action by the decision-maker. Failure of the applicant to comply with this Section may result in postponement of the public hearing or action by the decision-maker.

~~3. **Continuances.** If a public hearing on a project is continued by the local government to a time which is neither (a) previously stated in the notice nor (b) announced at a hearing as being continued to a time certain, notice of the further hearings shall be provided in the same manner and within the same time limits as set forth above.~~

Section 35-181.3 Coastal Development Permits and Land Use Permits Noticing.

~~1. **Minimum Requirements.** Notice of the application and pending decision on a Coastal Development Permit for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and Land Use Permits that do not follow a previous discretionary action shall be given in compliance with the following:~~

~~a. **By the Planning and Development Department.** Notice shall be given by the Planning and Development Department in compliance with the following:~~

- ~~1) The Planning and Development Department shall conspicuously post notice at one public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
- ~~2) Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~
- ~~3) Said notice shall be posted pursuant to Subsection 1) above and/or mailed no later than 15 days following the filing of a complete application with the Planning and Development Department, but in no case shall said notice be posted or mailed less than:
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review, or;~~
 - ~~b) Seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.~~~~
- ~~4) The posted notice shall be required to be continuously posted from the date required by Subsection 3), above and shall remain posted for a minimum of 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.~~
- ~~5) Mailed notice shall be provided to the applicant(s).~~
- ~~6) Mailed notice shall be provided to the owner(s) of the subject lot, if different from the applicant.~~
- ~~7) Mailed notice shall be provided to all owners and residents located within a 100 foot radius of the exterior boundaries of the subject lot.~~
- ~~8) Mailed notice shall be provided to the Coastal Commission.~~
- ~~9) Mailed notice shall be provided to all owners of property located within a 300 foot radius of the exterior boundaries of the subject lot for the specific types of projects listed below.~~

- ~~a) Development that requires Design Review in compliance with Section 35-184 (Board of Architectural Review);~~
- ~~b) A new dwelling containing two or three story elements or a second or third story addition to an existing dwelling;~~
- ~~c) A new accessory structure in excess of 120 square feet or an addition to an existing accessory structure that would exceed 120 square feet;~~
- ~~d) A change in the allowed use of a structure;~~
- ~~e) Home occupations where clients come to the dwelling where the home occupation is conducted;~~
- ~~f) Residential second units, and additions thereto, as may be allowed in compliance with Section 35-142 (Residential Second Units);~~
- ~~g) Large Family Day Care Homes, and additions thereto, as may be allowed in compliance with Section 35-143.2 (Community Care Facilities);~~
- ~~h) Commercial telecommunication facilities, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities); and~~
- ~~i) Noncommercial telecommunication facilities as may be allowed in compliance with Section 35-144G.3.1 (Noncommercial Telecommunication Facilities) where the height of the antenna and associated support structure exceeds 50 feet.~~
- ~~10) Mailed notice shall be provided to all residents located within a 300-foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, as may be allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).~~
- ~~11) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~12) The contents of the notice shall be in compliance with Section 35-181.4.~~

A. Minimum requirements. Notice of the application and pending action on a Coastal Development Permit processed in compliance with Section 35-169.4.1 (Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a discretionary permit) or a Land Use Permit processed in compliance with Section 35-178 (Land Use Permits) shall be given in compliance with the following.

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).

- d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- e) The Coastal Commission.
- 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and:
 - i) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - ii) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
- b. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and:
 - 1) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review, or;
 - 2) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven days before an action by the Director to approve, conditionally approve or deny a Coastal Development Permit or Land Use Permit.
- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

b2. By the applicant. Notice shall be given by the applicant in compliance with the following:

- ~~1~~a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street. If the subject lot is a through lot, then the applicant shall conspicuously

post a notice adjacent to each street frontage in a location that can be viewed from the street.

- 2)b. The language and form of the notice shall be provided to the applicant by the ~~Planning and Development Department~~. ~~The contents of the notice shall be in compliance with Section 35-181.4. The notice shall be a minimum of 18 inches tall by 24 inches wide.~~
- 3)c. Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application with the ~~Planning and Development Department~~, ~~but in no case shall said notice be posted less than, and:~~
 - a1) If the application is subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least 10 days before the scheduled date of the initial review by the Board of Architectural Review including conceptual review; or
 - b2) If the application is not subject to Design Review in compliance with Section 35-184 (Board of Architectural Review), at least seven ~~Seven~~ days before an action by the Director to approve, conditionally approve, or deny the a Coastal Development Permit or Land Use Permit.
- 4)d. ~~Notice required to be posted~~ The notice shall be continuously posted for a minimum of 17 days from the date prescribed pursuant to subsection 3), above until at least from the date required by Subsection A.2.c, above, and shall remain posted for a minimum of 10 calendar days following the decision an action of the Director to approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit.
- 5)e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other ~~required~~ documentation required by the Director with the ~~Planning and Development Department~~ no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review or seven days before an prior to the action by the Director to approve, conditionally approve, or deny issue the Coastal Development Permit or Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of postponement of the action on the Coastal Development Permit or Land Use Permit.

~~2. Minimum Requirements for Land Use Permits Following a Previous Discretionary Action.~~ Notice of a decision on a Land Use Permit following a previous discretionary action and with the same project description shall be given in compliance with the following:

- a. ~~By the Planning and Development Department.~~ Notice shall be given by the Planning and Development Department in compliance with the following:
 - 1) ~~The Planning and Development Department shall conspicuously post notice at public place within the County's jurisdiction (e.g., at the Planning and Development Department).~~
 - 2) ~~Said notice shall also be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.~~
 - 3) ~~Said notice shall be mailed and posted no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be mailed and posted less than and:~~
 - a) ~~10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - b) ~~10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~

- ~~4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- ~~5) Mailed notice shall be provided to all owners and residents located within a 100-foot radius of the exterior boundaries of the subject lot and the Coastal Commission.~~
- ~~6) Mailed notice shall be provided to all parties that received notice of the previous discretionary action.~~
- ~~7) The names and addresses used for mailed notices to owners shall be those appearing on the equalized County assessment roll, as updated from time to time.~~
- ~~8) The contents of the notice shall be in compliance with Section 35-181.4.~~

~~**b. By the applicant.** Notice of an application and pending decision on a Land Use Permit shall be given by the applicant in compliance with the following:~~

- ~~1) The applicant shall also conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest public street.~~
- ~~2) The language and form of the notice shall be provided to the applicant by the Planning and Development. The contents of the notice shall be in compliance with Section 35-181.4.~~
- ~~3) Said notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Planning and Development Department, but in no case shall said notice be posted less than:
 - ~~a) 10 days before the scheduled date of the initial review by the Board of Architectural Review; or~~
 - ~~b) 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit.~~~~
- ~~4) Notice required to be posted shall be continuously posted from the date prescribed pursuant to subsection 3), above until at least 10 calendar days following the decision of the Director to approve, conditionally approve, or deny the Land Use Permit.~~
- ~~5) The applicant shall provide proof of the mailing and posting of the required notice by filing an affidavit of noticing and any other required documentation with the Planning and Development Department no later 10 days before the scheduled date of any review by the Board of Architectural Review or 10 days before an action by the Director to approve, conditionally approve, or deny the Land Use Permit. Failure of the applicant to comply with this Section may result in denial and or revocation of the Land Use Permit.~~

~~**3. Contents of Notice.** The contents of the notice shall be in compliance with Section 35-181.4.~~

Section 35-181.4 Notice of Final Action of Coastal Development Permits Appealable to the Coastal Commission.

- 1. Provision of notice.** For those developments that are appealable to the Coastal Commission in compliance with the definition of appealable development and Section 35-182 (Appeals), a Notice of Final Action of the approval or conditional approval of a Coastal Development Permit shall be mailed to the Coastal Commission and to any interested person who has requested the notice and has submitted a self-addressed stamped envelope to the Department.
- 2. Notice within seven days.** The notice shall be mailed within the seven calendar days following the County's final action on the Coastal Development Permit. An action shall be considered final only after

exhaustion of County appeal procedures.

3. Contents of notice. The notice shall include the following:

- a. The applicable decision-maker.
- b. The date of final action.
- c. The status of any appeals.
- d. The conditions of approval of the Coastal Development Permit.
- e. The findings of the Coastal Development Permit.
- f. The procedure for appeal of the County's final action to the Coastal Commission.

Section 35-181.5 Design Review.

A. Minimum Requirements. Notice of applications for Design Review shall be given in compliance with the following:

1. By the Department. Notice shall be given by the Department in compliance with the following:

a. Mailed notice.

- 1) The Department shall provide mailed notice to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - i) Within the Toro Canyon Plan Area mailed notice shall also be provided to all owners of property located within a 500 foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
- 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- 3) **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsections A.1.a.1), above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.
 - a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.
 - b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.

b. Posted notice. The Department shall conspicuously post notice at a minimum of one public

place within the County's jurisdiction (e.g., at the Department).

- c. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review.
- d. The notice shall be continuously posted from the date required by Subsection A.1.c, above, until at least 10 days following final action by the Board of Architectural Review.
- e. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

2. By the applicant. Except for applications for Design Review that are submitted in association with an application that is noticed in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), notice shall be given by the applicant in compliance with the following:

- a. **Posted notice.** The applicant shall conspicuously post a notice at a minimum of one location on the subject lot with at least one notice posted in a location that can be viewed from the nearest street. If the subject lot is a through lot, then the applicant shall conspicuously post a notice adjacent to each street frontage in a location that can be viewed from the street.
- b. The language and form of the notice shall be provided to the applicant by the Department. The notice shall be a minimum of 18 inches tall by 24 inches wide.
- c. The notice shall be posted by the applicant no later than 15 days following the filing of a complete application to the Department and at least 10 days before the initial review by the Board of Architectural Review, including conceptual review.
- d. The notice shall be continuously posted from the date required by Subsection A.2.c above, until at least 10 days following an action by the Board of Architectural Review to grant final approval.
- e. The applicant shall provide proof of the posting of the required notice by filing an affidavit of noticing and any other documentation required by the Director with the Department no later than 10 days before the scheduled date of the initial review by the Board of Architectural Review, including conceptual review. Failure of the applicant to comply with this Section may result in postponement of the review by the Board of Architectural Review.

Section 35-181.6 Emergency Permits.

A. Minimum requirements. Notice of the application for an Emergency Permit shall be given in compliance with the following:

1. Mailed notice.

- a. The Department shall provide mailed notice to:
 - 1) All owners of property located within a 300 foot radius of the exterior boundaries of the subject lot.
 - 2) All residents within a 100 foot radius of the exterior boundaries of the affected property.
- b. The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
- c. **Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be

provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

- 1) Publication of the notice is not required to precede the actual commencement of the emergency work.
- 2) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (Mailed notice) where mail delivery is available to addresses appearing on the equalized County assessment roll.
2. **Posted notice.** The Department shall also conspicuously post a notice in three locations on the subject lot.
3. The mailing or posting of notice is not required to precede the actual commencement of the emergency work.
4. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.7 Time Extensions for Applications Under the Jurisdiction of the Director.

A. Minimum requirements. Notice of the application and pending action on an application for a Time Extension under the jurisdiction of the Director shall be given in compliance with the following.

- 1. By the Department.** Notice shall be given by the Department in compliance with the following:
 - a. Newspaper publication.** If the Director is the decision-maker on an application because the requirement for a hearing on the application has been waived in compliance with this Article, then notice shall be published in at least one newspaper of general circulation within the County and circulated in the area affected by the project at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
 - b. Mailed notice.**
 - 1) Except as provided in Subsection A.1.b.3), below, mailed notice shall be provided to:
 - a) All owners of property located within a 300-foot radius of the exterior boundaries of the subject lot.
 - b) All residents of property located within a 100-foot radius of the exterior boundaries of the subject lot.
 - c) All residents of property located within a 300 foot radius of the exterior boundaries of the subject lot of an application for a commercial telecommunication facility, and additions thereto, allowed in compliance with Section 35-144F (Commercial Telecommunication Facilities).
 - d) Any person who has filed a written request therefore and has supplied the Department with self-addressed stamped envelopes.
 - e) The Coastal Commission.
 - 2) The names and addresses used for mailed notice to property owners shall be those appearing on the equalized County assessment roll, as updated from time to time.
 - 3) Optional notice authorized by the Director.** In areas of the County where mail delivery is not available, in lieu of providing mailed notice to persons specified in Subsection A.1.a, above, that only have street addresses on record, the Director may authorize that notice be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County in compliance with the following.

- a) The notice shall be published no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- b) Mailed notice shall continue to be sent to all relevant parties in compliance with this Subsection A.1 (By the Department) where mail delivery is available to addresses appearing on the equalized County assessment roll.
- c. **Posted Notice.** The Department shall conspicuously post notice at a minimum of one public place within the County's jurisdiction (e.g., at the Department).
- d. The notice shall be mailed and posted no later than 15 days following the filing of a complete application with the Department and at least 10 days before an action by the Director to approve, conditionally approve or deny the application.
- e. The posted notice shall be continuously posted from the date required by Subsection A.1.c, above, and shall remain posted for a minimum of 10 days following an action of the Director to approve, conditionally approve, or deny the application.
- f. The contents of the notice shall be in compliance with Section 35-181.8 (Contents of Notice), below.

Section 35-181.4-8 Contents of Notice.

1. **Notice for all projects.** The following shall be included in all notices required to be provided in compliance with this Section not including notices that are required to be posted by the applicant.
 - a. The date of filing of the application and the name of the applicant.
 - b. The ~~Planning and Development~~ Department case number assigned to the application.
 - c. The name of the ~~Planning and Development~~ Department staff person assigned to review the application and their postal mail address, electronic mail address, and telephone number.
 - d. A description of the project, its location, and a statement that the project is located within the Coastal Zone.
2. **Notice for projects that require a public hearing or discretionary decision-maker action.** The following shall be included in all notices for projects that require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the applicant.
 - a. All information required by Subsection 1- (Notice for all projects), above.
 - b. The place, date, and general time of the hearing at which the project will be heard by the decision-maker, if the action requires a public hearing. If the project does not require a public hearing, then only the date of pending action or decision of the decision-maker is required.
 - c. A general description of the County procedures concerning the conduct of public hearings and local actions, including the submission of public comments either in writing or orally before the hearing or local decision, and requirements regarding the procedure to appeal the decision.
 - d. The procedure for Coastal Commission appeals, including any required appeal fees, if applicable.
 - e. Notice of a pending decision by the Director to approve, conditionally approve or deny a Development Plan for a telecommunications facility in compliance with Section 35-144F (Commercial Telecommunications Facilities) shall include a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Department within 10 days of the date of such notice. If a written request is received, the public hearing shall be conducted in compliance with Section 35-181.10 (Hearing Procedure) below.
3. **Notice for projects that do not require a public hearing or other discretionary decision-maker action.** The following shall be included in all notices for projects that do not require a public hearing or discretionary action by a decision-maker not including notices that are required to be posted by the

applicant.

- a. All information required by Subsection 1 (Notice for all projects), above.
- b. A general description of the County procedures concerning the review of the application ~~for the Coastal Development Permit or Land Use Permit~~, including:
 - 1) How to participate in the review of the application ~~for the Coastal Development Permit or Land Use Permit~~;
 - 2) How to receive notification of any pending review ~~by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review)~~, if applicable, ~~and or~~ action to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~ application.
 - 3) How to submit comments either in writing or orally before review by the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~ application.
 - 4) Requirements regarding the procedure to appeal the decision of the Board of Architectural Review, if applicable, or action by the Director to approve, conditionally approve or deny the ~~Coastal Development Permit or Land Use Permit~~ application.
- c. ~~The~~ If applicable, the date of the pending decision on the application ~~the Coastal Development Permit or Land Use Permit~~, and ~~where applicable~~, the date of expiration of the appeal period.
- d. A statement that the public comment period commences upon the date that such notice is given and allows for submission, by mail, in advance of the decision, of public comments on the subject requested ~~Coastal Development Permit or Land Use Permit~~ application, excluding Land Use Permits that follow a previous discretionary approval.

~~**Section 35-181.5 Notice of Final Action for Coastal Development Permits Appealable to the Coastal Commission.**~~

~~For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section 35-182.6, Appeals to the Coastal Commission), notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department. Said notice shall be given within five calendar days of the final action. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.~~

Section 35-181.69 Failure to Receive Notice.

The failure of any person or entity to receive notice given in compliance with this Section or in compliance with State Law (Government Code Sections 65090 - 65096) shall not invalidate the actions of the ~~Planning and Development~~ Department or the applicable decision-maker.

Section 35-181.10 Hearing Procedure.

- 1. Held at noticed time and place.** A public hearing shall be held at the date, time, and place for which notice was given.
- 2. Hearing may be continued.**
 - a. Any public hearing may be continued from time to time without further notice; provided, the chairperson of the decision-maker announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
 - b. If a public hearing on a project is continued by the local government to a time which is neither (1) previously stated in the notice nor (b) announced at a hearing as being continued to a date, time, and place to which the hearing will be continued, notice of the further hearing(s) shall be given in compliance with Section 35-181.2 (Notice of Public Hearing and Decision-Maker Action), above.
- 3. Deferral of final decision.** The decision-maker may announce a tentative decision, and defer their action

on a final decision until appropriate findings and/or conditions of approval have been prepared.

SECTION 23:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection H, Special Processing Requirements, of Section 35-182.2, General Appeal Procedures, of Section 35-182, Appeals, to read as follows:

H. Special Processing Requirements. The following requirements apply to applications for Coastal Development Permits or Land Use Permits or Zoning Clearances that also require review by the Board of Architectural Review:

1. If a preliminary approval by the Board of Architectural Review is appealed, then the hearing on the appeal shall be held after the approval of the Coastal Development Permit or Land Use Permit, but prior to the issuance of the Coastal Development Permit or Land Use Permit or Zoning Clearance for such project.
2. If a preliminary approval by the Board of Architectural Review is appealed, and the approval of the Coastal Development Permit or Land Use Permit is appealed, then the appeal of the preliminary approval by the Board of Architectural Review shall be processed concurrently with the appeal of the Coastal Development Permit or Land Use Permit.
3. If a decision of the Board of Architectural Review to deny preliminary or final approval is appealed, then a hearing shall be held on the appeal of the decision of the Board of Architectural Review prior to:
 - a. A decision to approve or conditionally approve a Coastal Development Permit, or
 - b. A decision to issue Zoning Clearance.

SECTION 24:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 2, Director Decisions, of Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of Section 35-182, Appeals, to read as follows:

2. **Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article~~;~~
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943~~;~~
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit~~, or~~ Land Use Permit, or Zoning Clearance.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approve, or deny an application for a Development Plan.

- g. Any decision of the Director to approve, conditionally approve, or deny any other discretionary application where the Director is the designated decision-maker.
- h. Any other action, decision or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 25:

Except as amended by this Ordinance, Division 1, 2, 7, 8, 11 and 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 26:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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
COUNTY OF SANTA BARBARA

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

SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
Article II Coastal Zoning Ordinance Minor Amendment

Hearing Date: February 19, 2014

Assistant Director: Dianne Black

Staff Report Date: February 5, 2014

Staff Contact: Noel Langle

Case Nos. 12ORD-00000-00014

Phone No.: (805) 568-2067

Environmental Document: CEQA Guidelines Sections 15061(b)(3) and Section 15265

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission adopt a resolution recommending that the County Planning Commission adopt a resolution recommending that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00014) amending Division 1, In General, Division 2, Definitions, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, Division 11, Permit Procedures, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C.

The proposed ordinance amendment implements new regulations and make other clarifications, corrections and revisions regarding the following:

- **Authority for land use and zoning decisions** - Include a new table that provides in one location the decision-makers and appeal bodies for the different permit processes.
- **Concurrent processing of Coastal Development Permits with discretionary applications** - Revise the existing procedures that require the concurrent processing of a Coastal Development Permit with Conditional Use Permits, Demolition and Reclamation Permits, Final Development Plans and Modifications to specify that these procedures also apply to discretionary applications for Oil and Gas Exploration/Production Plans and Variances.
- **Definitions** - Revise the introductory paragraph of Section 35-58 (Definitions) to be more consistent with the County and Montecito Land Use and Development Codes.
- **Noticing requirements** - Revise the procedures for providing public notice of projects to be more consistent with the County and Montecito Land Use and Development Codes.
- **Permit expiration and time extensions** - Clarify the existing procedures and development standards regarding permit expiration and time extensions, and add a new section that places all the procedures regarding time extensions in one location.
- **Private services** - Amend Division 8 (Services, Utilities and Other Related Facilities) to be consistent with Public Health Department terminology.
- **Residential second units and solar energy systems permit process** - Clarify the jurisdiction and hearing and noticing requirements for applications for certain residential second units and solar energy systems in situations where State law prohibits a discretionary review process.
- **Road naming and street addressing** - Add new procedures and development standards for naming and renaming public and private roads and addressing property.
- **Single projects with multiple applications** - Clarify the existing language regarding decision-maker jurisdiction over separate applications that involve the same project.
- **Waived hearing process** - Clarify the existing language regarding the timing of when projects, where the public hearing is proposed to be waived, are listed on the Zoning Administrator's or

Montecito Planning Commission's agenda, and add new procedures to allow waived public hearings for applications for time extensions.

- **Zoning Clearance process** - Add the Zoning Clearance process and allow the use of a Zoning Clearance to act as the follow-on zoning permit to allow the commencement of construction of projects that have been permitted through a discretionary process.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend to the County Planning Commission that they recommend to the Board of Supervisors that the Board approve Case No. 12ORD-00000-00014 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Recommend to the County Planning Commission that the County Planning Commission recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A);
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 12ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to the Article II Coastal Zoning Ordinance of Chapter 35 of the County Code that will affect land use decisions within the Coastal Zone portion of the Montecito Planning Area.

4.0 ISSUE SUMMARY AND BACKGROUND

4.1 General Information. The Planning and Development Department is committed to keeping the zoning ordinances accurate and up-to-date by routinely processing amendments that address emerging issues, and correct and clarify existing language, in order to better ensure that regulations keep pace with current trends and policies, as well as State law. The following amendments:

- Implement requirements of State planning and zoning law.
- Implement process improvements that were previously made to the County and Montecito Land Use and Development Codes (LUDCs) but were not made to the Article II Coastal Zoning Ordinance (Article II) due to the on-going effort at that time to replace Article II with the LUDCs.

- Revise existing procedures and requirements to be consistent with the LUDCs.
- Streamline the permit process.
- Clarify existing procedures and requirements.
- Correct errors and omissions.

These amendments will be presented to the County Planning Commission at their hearing on February 26, 2014.

5.0 PROJECT DESCRIPTION

This project constitutes an amendment to the County's certified Local Coastal Program and therefore is required to be submitted to the Coastal Commission for approval. This amendment will be submitted as a "minor amendment" as allowed by the California Public Resources Code Section 30514(c) and Section 13554 of Title 14 of the California Code of Regulations. These code sections provide that:

1. Minor amendments include:
 - Changes in wording which make the use as designated in the zoning ordinances, zoning maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Coastal Commission or the Coastal Commission to be consistent with the land use plan as certified by the Coastal Commission.
 - Changes in the notification and hearing procedures that are consistent with the requirements of the Coastal Act.
2. Minor amendments are not subject to the three per year limit on the number of submittals.
3. If, after review of the amendment by the Executive Director of the Coastal Commission, the Executive Director determines that the amendment qualifies as a minor amendment, then:
 - Notice of this determination is provided to known interested parties and the Executive Director reports his determination in writing to the Coastal Commission at the next meeting along with any objections to the determination that have been received.
 - If one-third of the appointed members of the Coastal Commission objects to the determination, then the determination of minor amendment does not become effective and the amendment is then subject to review and hearing by the Coastal Commission.

Also, as allowed by Section 13551(b)(1) of Title 14 of the California Code of Regulations, the County intends to request that the amendment take effect immediately upon action by the Coastal Commission without further action by the Board of Supervisors. In this case this amendment will take effect following concurrence by the Coastal Commission with the Executive Director's determination that the amendment qualifies as a minor amendment.

The complete text of the ordinance amendment is contained in Exhibit 1 of Attachment C. In Attachment C, proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates sections where the text is unchanged and has been omitted for the sake of brevity.

The following summary of the proposed revisions and their purposes includes references to the sections within the actual ordinance where the specific text revisions may be found. The ordinance amendment also includes minor corrections and language revisions that do not materially change the existing regulations and serve only clarify or correct existing language. These revisions are not discussed in this staff report but are shown through the use of strikethroughs and underlines in Attachment C.

5.1 Amendment required by State law.

Residential second units and solar energy systems permit process (Attachment C SECTION 9, pages 13 and 14).

The California Government Code requires that applications for residential second units (RSUs) located in residential zones (Government Code Section 65852.2) and private solar energy systems (Government Code Section 65850.5) shall be considered in a ministerial manner without discretionary review or public hearing. However, this can be inconsistent with the requirements the Coastal Act (which is codified in the California Public Resources Code) that requires discretionary review, including a public hearing (unless waived), for all development that is subject to appeal to the Coastal Commission either because the use does not qualify as the principally permitted use within a zone category (e.g., RSUs) or because of the location (e.g., the project site is within the Appeals Jurisdiction).

Residential second units. RSUs are not considered by the Coastal Commission as the principally permitted use of the property, and thus any final local action on an application for a RSU may be appealed to the Coastal Commission. Article II was amended by the County in 2003 to, as required by the Government Code, provide that applications for RSUs located in residential zones are reviewed in a ministerial manner and do not require a public hearing. To reconcile the competing requirements of the Government Code and the Public Resources Code, the Coastal Commission, as part of their certification of an amendment in 2005, required that:

- Similar to the requirements for discretionary applications, notice of the application for a RSU be mailed to all property owners located within 300 feet of the project site and residents located within 100 feet of the project site, and
- All decisions to approve or conditionally approve a RSU are subject to appeal to the Coastal Commission following the exhaustion of local appeals.

Solar energy systems. Private solar energy systems, when accessory to the principally permitted use of the property, are considered to be a principally permitted use. However, they may still be subject to appeal to the Coastal Commission due to their location (e.g., within the Appeals Jurisdiction, within of 300 feet of the inland extent of any beach or the mean high tide line). In May 2009, in response to a revision to the California Government Code that required that private solar energy systems be approved through the issuance of a building permit or similar nondiscretionary permit, the LUDCs were amended to specify that all private solar energy systems located outside the Coastal Zone are exempt from planning permits and only require the issuance of a building permit, electrical permit or plumbing permit as applicable. Within the Coastal Zone the amendments to the LUDCs maintained the existing exemption for solar energy systems located on the roof of an existing structure, but also kept the requirement that a Coastal Development Permit be obtained for freestanding systems. In order to comply with the California Government Code requirement that the system be approved through a nondiscretionary permit, the amendment also:

- Deleted the public hearing requirement for freestanding systems that normally require a hearing due to their location (e.g., located in the Appeals Jurisdiction),
- Specified that notice of the application for the solar energy system was required to be mailed to all property owners located within 300 feet of the project site and residents located within 100 feet of the project site, and
- Provided that all decisions to approve or conditionally approve a solar energy system were subject to appeal to the Coastal Commission following the exhaustion of local

appeals.

Article II was not amended at this time due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. In order to bring Article II into compliance with State law regarding private solar energy systems, and to clarify the special processing, notice and appeal criteria for both RSUs in residential zones and private solar energy systems, the proposed amendment includes specific processing requirements that:

- Identify the Director as the decision-maker for applications for RSUs in residential zones and private solar energy systems, and allow the Director to act on an application without having to hold a public hearing.
- Require that mailed notice of the application be provided in the same manner as a discretionary application (mailed notice, placard placed on-site, published in newspaper).
- Provide that an action to approve or conditionally approve the application is subject to appeal to the Coastal Commission following the exhaustion of local appeals.

5.2 Amendment that implements process improvements previously adopted in 2008.

Waived hearings for time extensions (Attachment C SECTION 21, pages 33 through 35).

The LUDCs were amended in 2008 to provide a waived hearing process for time extensions for discretionary projects as part of the on-going Departmental process improvement efforts. Previous to that time, time extensions were under the authority of the decision-maker who had original jurisdiction over the project for which the time extension is sought, which meant that a public hearing on the application was typically required.

Under the waived hearing procedure, after notice of the intention to waive the hearing is mailed to property owners within 300 feet of the subject lot, if no one requests a hearing within the 15 working days following the mailing of the notice, then the requirement for a public hearing is waived and the jurisdiction over the time extension application shifts to the Director. The decision of the Director may be appealed to the Planning Commission, and the decision of the Planning Commission may be appealed to the Board of Supervisors.

One of the requirements that the Department must satisfy in order to waive a public hearing is that a list of the applications for which a public hearing is proposed to be waived appears on the Montecito Planning Commission's or Zoning Administrator's agenda. The purpose of this requirement is to notify the Montecito Planning Commission and members of the public of applications where the public hearing requirement will be waived provided a request for hearing is not received by the Department. However, the existing language is not precise as to when this must occur.

Proposed amendment. The proposed amendment implements the same waived hearing process for applications for time extensions for discretionary projects within the Coastal Zone, and clarifies the existing language regarding when the listing of such projects occurs by clearly stating that said listing occurs on the next available agenda following the mailing of the notice to the surrounding property owners of the Department's intent to waive the public hearing requirement.

5.3 Amendments to existing procedures and requirements to be consistent with the County and Montecito Land Use and Development Codes.

1. Authority for land use and zoning decisions (Attachment C SECTION 1, pages 1 through 3).

The proposed amendment adds a new section that includes a table that specifies the decision-maker (initial jurisdiction) and appeal path for all the permit applications included in Article II.

2. Definitions (Attachment C SECTIONS 2, 3 and 4, pages 3 and 4).

The proposed amendment adds text to and revises the introductory paragraph of Section 35-58 (Definitions) to match LUDCs regarding the meaning of terms and also adding language that provides that if a word is not defined in Section 35-58 or in other provisions of the Santa Barbara County Code that the Director shall determine the correct definition utilizing the latest edition standard dictionary.

3. Noticing requirements (Attachment C SECTION 22, pages 36 through 49).

In January 2006, several changes to the noticing requirements within the zoning ordinances were approved by the Board of Supervisors after numerous public workshops and hearings before the County and Montecito Planning Commissions. Based on the experience gained in working with these procedures, the Planning and Development Department, in 2009, recommended the adoption of several improvements to the noticing procedures to make them more efficient and effective. The overall goal of these revisions was to involve the public earlier in the permit review process through better noticing such that any issues could be addressed before considerable time and money has been spent on drawings and plan development. The significant revisions adopted in 2009 included:

- Providing more visible posted notices on the project site through the use of 18" by 24" placards to increase public awareness of proposed development.
- Providing mailed notice of conceptual review by the applicable Board of Architectural Review.
- Shifting the responsibility to mail the notice for Coastal Development Permits and Land Use Permits to the Department and increasing the number of surrounding properties that mailed notice would be sent to.
- Providing mailed notice of the filing of a discretionary applications when the application is deemed complete for processing.

These same changes were not made to Article II due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. The proposed amendment revises the Article II noticing procedures to be consistent with the LUDCs as adopted in 2009, and includes specific procedures for applications for Design Review and Emergency Permits. The amendment also includes new noticing requirements for applications for time extensions that are under the jurisdiction of the Director that are consistent with the General Package Ordinance Amendment recently reviewed by your Commission that requires mailed notice of such applications. Lastly, the amendment includes specific requirements for Notices of Final Action that are sent to the Coastal Commission following final action by the County on permit applications that may be appealed to the Coastal Commission.

4. Road naming and street addressing (Attachment C SECTION 6, pages 4 through 10).

Part of the effort involved in developing the LUDCs was to move the County's road naming and street addressing requirements that were previously contained in a separate document (Article V of Chapter 35, Zoning, of the County Code) into the LUDCs. Upon adoption of the LUDCs, Article V was rescinded since it was no longer needed. However, because Article II continues to be the zoning ordinance for the Coastal Zone, there are no longer road naming and street addressing requirements that apply outside the Inland area.

Proposed amendment. The proposed amendment corrects this situation by adding road naming and street addressing requirements to Article II that are consistent with the LUDCs.

5. Single projects with multiple applications (Attachment C SECTION 1, pages 1 and 2; SECTION 5, page 4).

The County zoning ordinances were amended in 1996 to specify that if two or more applications are submitted that relate to the same project, and the individual applications would be under the jurisdiction of different decision-makers, then all of the applications would be under the jurisdiction of the decision-maker with the highest jurisdiction. For example, if a project required the approval of a development plan that normally would be considered by the Director, and a conditional use permit that required approval by the Planning Commission, then both the application for the development plan and the conditional use permit would be under the jurisdiction of the Planning Commission. The intent was that this requirement would only apply to situations where two or more discretionary applications were submitted for the same project. However, because this was not specified, some interpreted it to also apply to follow-on ministerial applications that typically would be submitted after the approval of the discretionary application. For example, if an application for a Variance was submitted that was under the jurisdiction of the Zoning Administrator, then the Land Use Permit application that would allow for the actual development allowed by the Variance would also be under the jurisdiction of the Zoning Administrator, and therefore subject to a public hearing.

The adoption of the LUDCs in 2006 addressed this problem by specifying that this requirement only applies to discretionary applications, however Article II was not amended to address this situation due to the on-going effort to replace Article II with the LUDCs.

Proposed amendment. The proposed amendment revises Article II to be consistent with the LUDCs by deleting the existing language in the General Regulations section of Article II and adds revised language to the new "Authority for land use and zoning decisions" discussed on page 6 of this report.

6. Zoning Clearance process (Attachment C SECTION 12, pages 20 through 22; SECTION 13, pages 23 through 25; SECTION 16, pages 26 and 27; SECTION 20, pages 29 through 31; SECTION 21, pages 34 and 35; SECTION 23, page 49; SECTION 24, page 49).

The County amended the LUDCs in 2007 to add the Zoning Clearance process which acts as the follow-on zoning permit that allows the actual construction of projects that had been previously permitted through a discretionary Conditional Use Permit or Development Plan provided no revisions were made to the approved project. Previously, a Land Use Permit was required to be issued prior to actual commencement of the project. However, this meant that the project was potentially subject to a second appeal even though the project had not changed if someone chose to appeal the approval of the Land Use Permit. The purpose of this follow-on permit is to verify that all prior-to-construction conditions have been satisfied.

Unlike Coastal Development Permits and Land Use Permits, which are noticed and are subject to appeal, the decision by the Director to issue a Zoning Clearance is neither noticed nor is it subject to appeal. As part of the Zoning Clearance review process, the Director reviews the application to determine whether the project proposed for construction conforms to the previously approved project and that all prior-to-construction conditions have been satisfied. If the Director determines that both criteria have been met, then Zoning Clearance is issued. However, if the Director determines that the project has changed sufficiently enough so that the approval of a Substantial Conformity Determination is required, then the approval of a Land Use Permit is required to allow the actual construction of the project.

Proposed amendment. The proposed amendment adds the Zoning Clearance process to Article II to be used, when appropriate, in place of a Coastal Development Permit or Land Use Permit in order to eliminate the second appeal possibility.

5.4 Amendment that streamlines the permit process.

Concurrent processing of Coastal Development Permits with discretionary applications (Attachment C SECTION 14, page 26, SECTION 15, page 26; SECTION 16, page 26 and 27).

In 2008, the County amended Article II to require that a Coastal Development Permit be processed concurrently with an application for a Conditional Use Permit or Final Development Plan. The primary purpose of this amendment was to eliminate the possibility that a project that was subject to appeal to the Coastal Commission could be appealed twice to the Coastal Commission by first appealing the approval of the Conditional Use Permit or Final Development Plan and then appealing the follow-on Coastal Development Permit.

The County later amended Article II in 2011 to require that a Coastal Development Permit be processed concurrently with an application for a Demolition and Reclamation Permit for energy facilities, and again in 2013 to also require that a Coastal Development Permit be processed concurrently with an application for a Modification.

Proposed amendment. The amendment proposes to expand the requirement to process a Coastal Development Permit concurrently with a discretionary application for Oil and Gas Exploration or Production Plans, and Variances when the development is subject to appeal to the Coastal Commission.

Applications for Oil and Gas Exploration and Production Plans are presently required to be approved by the Planning Commission in a public hearing, and a Coastal Development Permit must be issued prior to commencement of the development allowed by the Exploration Plan or Production Plan. Both actions are subject to appeal, but at different times. The proposed amendment requires that the two applications are processed concurrently followed by the issuance of a Zoning Clearance to allow the commencement of the development. Thus, appeals of the decisions on the Exploration Plan or Production Plan and the Coastal Development Permit would also be processed concurrently, instead of sequentially as is the present situation.

When the development is subject to appeal to the Coastal Commission, then a public hearing is required for any associated Coastal Development Permit. Requiring that the applications for Modifications and Coastal Development Permit be processed together, when the development may be appealed to the Coastal Commission, will streamline the permit process since only one public hearing will be required.

5.5 Amendments that clarify existing procedures and requirements.

- 1. Permit expiration and time extensions** (Attachment C SECTION 11, pages 19 and 20; SECTION 12, pages 21 and 22; SECTION 13, pages 24 through 26; SECTION 18, page 28; SECTION 19, pages 28 and 29; SECTION 21, pages 31 through 36).

The proposed amendment restructures the procedures for permit expiration and time extensions so that they are better organized and read more clearly including consolidating all the existing time extension procedures that are currently located in several different sections of Article II into a new section 35-179B Time Extensions. The proposed amendments also:

- Allows final action by the County to approve a request for a time extension to occur after the date that the permit would otherwise expire provided that the request for the extension is submitted prior to expiration of the permit.
- Requires that mailed notice of applications for all time extensions be provided to (1) property owners within 300 feet of the project site and (2) all residents within 100 feet of the project site or 300 feet if the application involves a telecommunications facility.
- Clarifies that the decision-maker with original jurisdiction over the planning permit is also the decision-maker for subsequent time extensions, and not the decision-maker that may have approved the planning permit on an appeal.
- Includes processing requirements for time extension applications for Coastal Development Permits and Modifications regarding noticing, findings, appeal provisions, and when the time extension commences.

- 2. Private services** (Attachment C SECTION 7, pages 10 and 11).

The proposed amendment amends the nomenclature for private water and sewage service to be consistent with County Public Health Department standards including:

- Renaming “shared water systems” as “multi-parcel water systems” to clarify that the term applies to water systems that serve more than one parcel and not water systems that only serve multiple water uses within one parcel.
- Renaming “septic tanks” as “in-ground septic systems.”

6.0 ENVIRONMENTAL REVIEW

The proposed ordinance amendment to the Article II Coastal Zoning Ordinance (Case No. 12ORD-00000-00014) is recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment E, no significant environmental impacts would occur as a result of these ordinance amendments. Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.

7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or

development standards of the Comprehensive Plan, including the Montecito Community Plan, or the Coastal Land Use Plan, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards.

The proposed ordinance amendments primarily involve:

- Implementing requirements of State planning and zoning law.
- Implementing process improvements that were previously made to the County and Montecito Land Use and Development Codes (LUDCs) but were not made to the Article II Coastal Zoning Ordinance (Article II) due to the on-going effort at that time to replace Article II with the LUDCs.
- Revising existing procedures and requirements to be consistent with the LUDCs.
- Streamlining the permit process.
- Clarifying existing procedures and requirements.
- Correcting errors and omissions.

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of Article II that would not be revised by this ordinance. In order to approve a development project based on these proposed revisions, it still must be determined that the project is consistent with the whole of Article II as applicable.

9.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the County Planning Commission.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. 12ORD-00000-00014 Article II Findings
- B. 12ORD-00000-00014 Article II Notice of Exemption
- C. 12ORD-00000-00014 Article II Resolution and Proposed Ordinance