

SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

LCP Amendment 4-STB-16-0067-3 (Gaviota Coast Plan)

The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line-out~~. Language recommended by Commission staff to be inserted is shown in underline. Text that describes the proposed changes is shown in *italics*.

SUGGESTED MODIFICATION NO. 13

SECTION 1:

DIVISION I, 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 amend Subsection 5, Other Districts, of Section 35-52, Zoning District Designations and Applicability, to re-organize the listing of the existing Overlay Districts and to add a new Overlay District titled "Critical Viewshed Corridor Overlay District" to read as follows:

Section 35-53. Overlay District Designations and Applicability.

In addition to the regulations governing the zoning districts described in Section 35-52, the following overlay districts and the symbols used to represent them on the zoning maps are established as follows:

AH	Affordable Housing
ARC-CI	Agriculture Residential Cluster - Channel Islands
CA	Carpinteria Agricultural Overlay District
CVC	Critical Viewshed Corridor Overlay District
D	Design Control
ESH	Environmentally Sensitive Habitat Area
F	Airport Approach Area
FA	Flood Hazard Area
HWMF	Hazardous Waste Management Facility
SD	Site Design
SF	Single Family Restricted
VC	View Corridor

The regulations of the overlay district shall apply to the land in the same manner as the zoning district regulations. Overlay district regulations shall apply wherever the symbol and the boundaries of the area are shown on the zoning maps. When a symbol for an overlay district is added to a zoning district symbol, the regulations of the overlay district shall be applicable in addition to the zoning district regulations. If any of the provisions of the overlay district conflict with provisions of the zoning district regulations, the provisions which are most restrictive shall govern. Exceptions may be made for the AH Overlay District provided that the overlay shall be applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. The provisions of the ESH Overlay District are more restrictive than any base zone district and therefore the provisions of the ESH shall govern over the regulations of any base zone or other overlay district.

SECTION 2:

DIVISION I, 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 amend Subsection 2, of Section 35-54, Adopting Zoning Ordinances and Maps and Uncertainties in District Boundaries, to read as follows:

The following certified zoning maps and zoning overlay maps, which zone the unincorporated area of the County lying within the Coastal Zone, are hereby specifically included by reference into this Section:

- a. Carpinteria Valley Coastal Plan Zoning Overlay.
- b. Channel Islands Coastal Plan Zoning.
- c. Eastern Goleta Valley Community Plan Zoning.
- d. Eastern Goleta Valley Community Plan Zoning Overlay.
- e. Eastern Goleta Valley Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays.
- f. Gaviota Coast Plan Zoning.
- g. Gaviota Coast Plan Zoning Overlay.
- h. Gaviota Coast Plan Environmentally Sensitive Habitat Overlay.
- i. Goleta Community Plan Zoning South.
- j. Goleta Community Plan Zoning Overlay.
- k. Goleta Community Plan Environmentally Sensitive Habitat and Riparian Corridor Land Use and Zoning Overlays South.
- l. Guadalupe Dunes/Point Sal Coastal Plan Zoning Overlay.
- m. Montecito Community Plan Zoning Southern Section.
- n. Montecito Community Plan Zoning Overlay.
- o. Montecito Community Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays.
- p. Lompoc Valley Rural Region Zoning.
- q. Santa Barbara Area Zoning and Zoning Overlay.
- r. Santa Maria Valley Rural Region Zoning.
- rs. South Coast Rural Region Zoning.
- rt. Summerland Community Plan Zoning.
- ru. Summerland Community Plan Zoning Overlay.
- rv. Summerland Community Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays -
- w. Toro Canyon Plan Zoning.
- x. Toro Canyon Plan Zoning Overlay.
- y. Toro Canyon Plan Environmentally Sensitive Habitat Land Use and Zoning Overlays.

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 add the following new definitions of “Gaviota Coast Plan Area” to read as follows:

Coastal Resources. Any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq., including but not limited to public access, marine and other

aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

Gaviota Coast Plan Area. That portion of the County located within the boundaries of the Gaviota Coast Plan as shown on the Gaviota Coast Plan Land Use Map.

SECTION 4:

DIVISION 5, Overlay Districts, 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 35-66, Gaviota Coast Planning Area, to be titled "Gaviota Coast Plan Area" and to read as follows:

Section 35-66. Gaviota Coast Plan Area.

1. **Coastal views.** Development of recreational facilities shall conform with the visual policies of the Gaviota Coast Plan that are designed to minimize grading, removal of vegetation, and paving, and shall be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of native drought-tolerant species.
2. **Campground development.** Campgrounds and ancillary facilities sited south of U.S. Highway 101 shall be set back as far as feasible from the beach in order to reserve near- shore areas for day use, except for trails and public accessways that facilitate coastal public access to the beach. ~~Where feasible, n~~New recreational facility development, particularly campgrounds and parking lots, shall be ~~located north of U.S. Highway 101~~ sited in appropriate locations to facilitate coastal public access and recreation, in consideration of site constraints.
3. The vegetation in the small canyons at the mouths of Canada San Onofre and Canada del Molino streams shall not be disturbed by recreational development or use.
4. **Campground use priority.** Since existing State parks in the Gaviota area already provide extensive facilities for recreational vehicle camping, future development shall be encouraged to prioritize low-intensity campgrounds or day use.

SECTION 5:

DIVISION 5, Overlay Districts, 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 35-99, ARC - Agriculture-Residential Cluster Overlay, in its entirety and reserve the section number for future use.

SECTION 6:

DIVISION 5, Overlay Districts, 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 35-102G titled "CVC - Critical Viewshed Corridor Overlay District," and to read as follows:

Section 35-102G. CVC - Critical Viewshed Corridor Overlay District.

- A. **Purpose and intent.** The Critical Viewshed Corridor (CVC) overlay district is applied to property in the Gaviota Coast Plan area to provide enhanced protection to the critical coastal viewsheds of the Gaviota Coast from inappropriate development. The intent is to ensure that development is sited and/or screened in a manner that will reduce impacts to the public viewshed while allowing for reasonable development.
- B. **Applicability.** This overlay district is applied in the Gaviota Coast Plan area to the visually critical near- field viewsheds located to the north and south of Highway 101 as shown on the Gaviota Coast Plan Zoning Overlay map. All development within this overlay district is subject to the requirements of this overlay district except as provided below:
 1. Single agricultural structures with an individual gross floor area of less than 5,000 square feet are not subject to the requirements of this overlay zone provided:

- a. The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed a footprint area of 10,000 square feet.
- b. The structure(s) complies with the following standards:
 - 1) All exterior lighting is in compliance with the following:
 - a) The lighting is required for safety purposes only.
 - b) Light fixtures are fully shielded (full cutoff and are directed downward to minimize impacts to the rural nighttime character.
 - c) Lighting is directed away from habitat areas, and, to the extent feasible, nearby residences, public roads and other areas of public use to the extent feasible.
 - 2) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.

C. Relationship to primary zone.

1. Each land use and proposed development within the CVC overlay zone shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.
2. Development and land uses within the CVC overlay district shall comply with all applicable development standards of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district. If conflicts occur between the requirements of this overlay and any other provision of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district, the requirements that are most protective of coastal resources shall control.

D. Permit and processing requirements.

1. **Design review required.** Except for development that is exempt from the requirements of this overlay zone in compliance with Subsection B (Applicability), above, all structural development proposed on a lot located within the CVC overlay district shall require Design Review in compliance with Section 35-184 (Board of Architectural Review) prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits), or a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances).
2. **Application requirements.** An application for Board of Architectural Review shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
3. **Criteria for approval.** The Board of Architectural Review may approve or conditionally approve the application only if it determines that the project conforms to the following standards:
 - a. **Screening.** Development is screened to the maximum extent feasible as seen from public viewing places. Screening shall be achieved to the maximum extent feasible through adherence to the Site Design Hierarchy within the Gaviota Coast Plan Design Guidelines.
 - b. **Landscaping.** Landscaping, not including any agricultural crop or orchard, when mature, does not obstruct public views of the mountains or the ocean.
 - c. **Ocean views.** Development is sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and is clustered to the maximum extent feasible.
 - d. **Structure height and scale.**
 - 1) The Except as provided in Subsection D.3.d.1)a) below, the height of any structure located south of Highway 101 does not exceed 15 feet unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.
 - a) In no case shall the height of any structure south of Highway 101 exceed:
 - i) The height listed in this Article for the applicable zone district, or
 - ii) 25 feet if the structure is located in the Agriculture II (AG-II) zone district.
 - 2) Visible portions of structures located on lots having unobstructed broad view of the

ocean shall be designed so that any intrusions into the view of the ocean, as seen from public viewing areas, is minimized to the maximum extent feasible.

- 3) The height and/or scale development is harmonious with the surrounding area.
- 4) The appearance of the development is not undesirable or unsightly.
4. **Appeal.** The action of the Board of Architectural Review may be appealed in compliance with Section 35-182 (Appeals).

E. Land use limitations.

1. **Greenhouses.** Greenhouses are limited to 4,000 square feet per lot.
2. **Overhead electrical transmission and distribution lines.** New overhead electrical transmission and distribution lines for non-agricultural development that are subject to regulation by the County are prohibited within the CVC overlay district.

SECTION 7:

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 amend Section 35-139, Exterior Lighting, to read as follows:

Section 35-139. Exterior Lighting.

All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential, or toward any habitat area. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Division 13 (Summerland Community Plan Overlay District), Division 14 (Goleta Community Plan and Eastern Goleta Valley Community Plan Overlay District), Division 15 (Montecito Community Plan Overlay District), and Division 18 (Gaviota Coast Plan Overlay) include additional requirements.

SECTION 8:

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 35-184.2, Applicability, of Section 35-184, Board of Architectural Review, to add a new Subsection 3 to read as follows:

3. **Gaviota Coast, Summerland and Toro Canyon.** In addition to the items identified in Section 35-184.2.2, for sites located within the Gaviota Coast Plan, Summerland Community Plan or the Toro Canyon Area Plan areas, the provisions of this Section shall also apply to any structure, additions to a structure, or sign, except as provided below.
 - a. The structure, addition to a structure, or sign is exempt from Board of Architectural Review in compliance with Section 35-184.3 (Exceptions).
 - b. Single agricultural structures located within the Gaviota Coast Plan area that have an individual gross floor area of less than 5,000 square feet are not subject to the requirements of this Subsection 3 (Gaviota Coast, Summerland and Toro Canyon) provided:
 - 1) The existing cumulative structural development located on the lot that the structure is proposed to be located on does not exceed 10,000 square feet per lot.
 - 2) The structure(s) complies with the following standards:
 - a) All exterior lighting is in compliance with the following:
 - i) The lighting is required for safety purposes only.
 - ii) Light fixtures are fully shielded (full cutoff and are directed downward to minimize impacts to the rural nighttime character.

- iii) Lighting is directed away from habitat areas, and, to the extent feasible, nearby residences, public roads and other areas of public use ~~to the extent feasible.~~
- b) The structure uses building materials, earth tone colors, and non-reflective paints that are compatible with the surrounding natural environment to maximize the visual compatibility of the development with surrounding areas.

SECTION 9:

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 35-184.6, Findings Required for Approval, of Section 35-184, Board of Architectural Review, to add a new Subsection 14 titled "Additional finding required for Design Review applications within the Gaviota Coast Plan area" and to read as follows:

14. Additional finding required for Design Review applications within the Gaviota Coast Plan area.

Where Design Review is required in compliance with Subsection B.3, above, plans for new or altered residential structures and structures that are accessory to residential structures will be in compliance with the Gaviota Coast Plan Design Guidelines, as applicable. The Gaviota Coast Plan Design Guideline, which are intended to serve as a guide only, shall constitute "additional design standards" for purposes of Subsection 35-184.6.14.

SECTION 10:

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 Division 18 titled "Gaviota Coast Plan Overlay," to read as follows:

DIVISION 18 GAVIOTA COAST PLAN (GAV) OVERLAY

Sections:

Section 35-400 - Purpose
 Section 35-410 - Applicability and District Boundaries.
 Section 35-420 - Definitions.
 Section 35-430 - Allowable Development and Planning Permit Requirements
 Section 35-440 - Standards for All Development and Land Uses.
 Section 35-450 - Standards for Specific Land Uses
 Section 35-460 - Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone
 Section 35-470 - Gaviota Coast Plan Area Land Use Incentive Program
Section 35-480 – Economic Viability

Section 35-400. Purpose.

The purpose of the Gaviota Coast Plan overlay is to implement the Gaviota Coast Plan by providing for specific land uses and development standards within the Gaviota Coast Plan area.

Section 35-410. Applicability and District Boundaries.

The provisions of this Division shall apply to all development and land uses that is located within the Gaviota Coast Plan area in addition to all other applicable requirements of this Article. If conflicts occur between the provisions and requirements of this overlay and any other provision of the County Code, the Local Coastal Program, the primary zone, and any other applicable overlay district, the provisions and requirements that are most protective of coastal resources shall control.

Section 35-420. Definitions.

The following terms are defined for the purposes of this Division.

Accessory Agricultural Structure. An accessory building or structure that does not contain any kitchen or cooking facilities and is designed and constructed primarily for storing farm implements or supplies, hay, grain, poultry, livestock or horticultural products where such buildings or structures are located in agriculturally zoned areas and support agricultural use of the lot. Accessory agricultural buildings or structures may include confined animal facilities and fencing incidental, appropriate and subordinate to the agricultural use but shall not include residential development equestrian facilities, packing or shipping facilities.

Agricultural and Natural Resource Educational Experience. An instructional program that integrates academic and technical preparation and includes real-world relevant experiences in areas such as agricultural business, agricultural mechanics, agriscience, animal science, forestry and natural resources, ornamental horticulture, and plant and soil science. Program components may include classroom and laboratory instruction, and supervised agricultural experience projects.

Agricultural Employee Housing. A dwelling occupied by ~~an~~ one or more agricultural employees including family members.

Agricultural Product Sales. The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on or off the premises or other products as allowed by Section 35-131 (Agricultural Sales) and this Division 18 (Gaviota Coast Plan Overlay).

Agricultural Product Transportation Facility. A transportation facility required to support agriculture.

Agricultural Structural Development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land.

Airstrip, Temporary. An airfield without normal airport facilities consisting of a landing strip or heliport that is not constructed of hard materials and is used for agricultural crop dusting or the personal use of the tenant or owner of the site and excluding public use and commercial operations.

Animal Keeping. The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a primary land use or subordinate to a residential use. Includes the keeping of common farm animals, apiaries, aviaries, worm farms, household pets, etc. (See also “Confined Animal Facilities”)

Artisanal Crafts. Anything handmade and designed by a person skilled in an applied art; examples include glass blowing, jewelry making, leatherworking, metalworking, pottery, and woodworking.

Aquaponics. A closed system of aquaculture in which the waste produced by farmed fish or other aquatic creatures supplies the nutrients for plants grown hydroponically which in turn purify the water in the system.

Boat Launching Facility. A facility specifically designed to assist with the ingress/egress of boats and other aquatic vehicles.

Bulk Water Importation Facility. A facility specifically designed to import bulk amounts of water including those associated with ocean going vessels, or other similar facilities.

Campground. A site for temporary occupancy by campers which may include individual campsites. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

Caretaker/Manager Dwelling. A permanent residence that is secondary or accessory to the principal use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Charitable or Philanthropic Organization. An office-type facility occupied by an organization engaged in charitable or philanthropic works serving various groups or individual persons.

Composting Operation. A commercial facility that produces compost from the organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations in California Code of Regulations, Title 14, Division 7.

Conference Center. A building or group of buildings with accessory land and structures, that provides conference facilities for persons assembled for study and discussion of educational, religious, economic, scientific,

charitable, or governmental subjects, including music, art and drama, and shall include the necessary accessory and incidental housing, dining, classroom, and recreational facilities.

Confined Animal Facilities. Facilities where animals are corralled, penned, or otherwise housed or caused to remain in restricted areas. Confined animal facilities include corrals, fencing for pastures, barns, stables, or other development designed to house or restrict the movement of animals. Also includes animal enclosures.

Cultivated Agriculture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site. Examples of this land use include the following:

field crops	fruits	melons	tree nuts	vegetables
flowers and seeds	grains	ornamental crops	trees and sod	wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing. Does not include agricultural processing or greenhouses which are separately defined. Does not include noncommercial home gardening, which is allowed as an accessory use without County approval in all zones that otherwise allow residential uses. Activities that constitute grading are separately regulated under Chapter 14 of the County Code.

1. **Limited Slope.** "Cultivated Agriculture, Orchard, Vineyard - Limited Slope" means new or expanded agricultural activities that occur on slopes of 30 percent or less.

Desalination Facility. A facility specifically designed to remove salts and other chemicals from sea water to render it potable.

Drainage Channel. A channel, either natural or manmade, that conveys water. (See also "Stream" in Section 35-58)

Education or Research Facility, Limited. Limited facilities or developments for educational purposes or scientific research, e.g., water quality monitoring stations, access roads, storage facilities).

Electrical Transmission Line. A line that is interconnected with other transmission lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Equestrian Facility. A commercial facility for the boarding of horses, donkeys, and mules, and where such animals are available for hire. Examples of these facilities include:

boarding stables	horse exhibition facilities	riding schools and academies
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Also includes barns, stables, corrals, and paddocks accessory and incidental to the above uses. Does not include rodeos (see "Rodeo"), or polo fields (see "Sports and Outdoor Recreation Facility").

Farmstand. A stand, which may be of permanent or temporary construction, that sells farm produce and other incidental items.

Farmstay. A type of working farm or ranch operation that is partially oriented towards visitors or tourism by providing guest accommodations. Such an operation may include interactive activities where guests participate in basic farm or ranch operations such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.

Firewood Processing and Sales. The conversion of raw plant material into firewood and the sale thereof.

Fishing. The activity of catching fish, either for food or as a sport.

Fishing Operation. Commercial, recreational fishing within an artificial pond or reservoir that is stocked with fish.

Flood Control. The act or technique of trying to control water with dams, berms, drainage, weirs, etc, to minimize occurrence of floods.

Golf Course. A commercial or members-only facility for playing golf, with three to 18 holes, and accessory facilities and uses which may include: a clubhouse with bar and/or restaurant, locker and shower facilities; driving ranges; "pro shops" for onsite sales of golfing equipment; and golf cart repair, storage and sales facilities. Does not include driving ranges separate from golf courses or miniature golf courses unless specifically allowed.

Grazing. To put livestock out to feed.

1. **Limited Slope.** "Grazing - Limited Slope" means new or expanded grazing activities that occur on slopes of 30 percent or less.

Heliport. A designated, marked area on the ground or on a structure where helicopters may land at any time.

Highway. A four-lane arterial roadway with at least partial control of access which may or may not be divided or have grade separations at intersections. As a secondary type of intercity or community roadway, highways carry much of the traffic between important centers of activity and employment.

Incentive dwelling unit. A dwelling unit on a permanent foundation that provides complete, independent living facilities for one or more persons that may be allowed in addition to the principal dwelling on the same lot in exchange for implementing landowner actions consistent with the Gaviota Coast Land Use Incentive Program. The incentive dwelling unit may either be an attached incentive dwelling unit or detached incentive dwelling unit.

1. **Attached Incentive Dwelling Unit.** An incentive dwelling unit that shares a common wall with the principal dwelling.
2. **Detached Incentive Dwelling Unit.** An incentive dwelling unit not attached to the principal dwelling by a common wall.

Kennel, Private: Any premises or area where four or more dogs four months of age or older are kept for the private enjoyment of the occupants of the premises. This includes dogs which are kept on an agriculturally zoned lot for the purpose of herding or otherwise supporting an agricultural use of the lot or premises on which the dogs are kept.

Lumber Processing, Milling. A facility that produces lumber including dimensional boards and specific shaped items from harvested trees.

Medical Services - Animal Hospital. A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short-term care incidental to the hospital.

Meeting Facility, Public or Private. A facility for public or private meetings, including community centers, religious institutions, civic and private auditoriums, grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by onsite employees and clients, and occupy less floor area on the site than the offices they support. Does not include: sports or commercial facilities; theaters; or convention centers (see "Conference Center"). Related onsite facilities such as day care centers and schools are separately defined, and separately regulated.

Meeting Facility, Religious. A meeting facility for a religious institution as identified in "Meeting Facility, Public or Private," above, that is restricted to religious institutions only.

Mining. The extraction of mineral resources through surface or underground mining operations, including the following.

1. **Surface Mining.** Excavation and quarrying operations to obtain building and construction materials including diatomaceous earth.
2. **Underground Mining.** Mining operations where minerals are extracted using shafts and/or tunnels.

Non-Principal Permitted Use. A use that is not identified as a principal permitted use in this Article. A Coastal Development Permit application for a non-principal permitted use is subject to a public hearing, unless waived, and the approval or conditional approval of the Coastal Development Permit application is subject to appeal to the Coastal Commission as specified in Section 35-182.6.

Office - Accessory. Office facilities for administration, and/or onsite business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use.

Principal use/principal structure. The primary use(s) or primary structure(s) on a lot to which other uses and structures are accessory. This term is unrelated to the definition of "principal permitted use."

Principal Permitted Use. A use that clearly carries out the designated land use and the intent and purpose of a particular zone. Where a land use is identified as a principal permitted use in this Division, the approval or

conditional approval of a Coastal Development Permit application for that use is not subject to appeal to the Coastal Commission except as specified in Section 35-182.6 (Appeals).

Product Preparation. The preparation of agricultural and horticultural product by activities including drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain to facilitate marketing and wholesale sales.

Public Works or Private Service Facility. A base facility from which maintenance and repair services are dispatched to utility service lines and other facilities operated by the public works or private service entity. Includes equipment and materials storage, and "corporation" yards.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Small Collection Center.** A center where the public may donate, redeem or sell recyclable materials, which occupy an area of 350 square feet or less and may include a mobile unit.
2. **Specialized Materials Collection Center.** A center that provides for the collection of non-ferrous metals, high-temperature alloys, exotic and precious metals, and other similar materials, in addition to household recyclable materials.

Repair Service - Equipment, Large Appliances, etc. A service and facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, the repair of small home appliances and electronic equipment, maintenance and repair activities that occur on the client's site, or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the onsite sales.

Reservoir. A natural or artificial pond or lake used for the storage and regulation of water.

Revetment. A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. (See also "Sea Wall" and "Shoreline Protective Device")

Rodeo. A public or private competition or exhibition in which skills such as riding and roping are displayed.

Rural Recreation. Low intensity recreational uses including campgrounds with minimum facilities, hunting clubs, retreats, and summer camps. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

School. A public or private academic educational institution, examples include:

boarding school	elementary, middle, junior high, and high schools
community college, college or university	military academy

Sea Wall. Structures, sand or other materials placed adjacent to the sea to reduce or eliminate upland. A structure separating land and water areas, primarily designed to prevent erosion and other damage from wave action or flooding during storms. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (See also "Revetment" and "Shoreline Protective Device")

Shoreline Protective Device. A broad term for constructed features such as seawalls, revetments, rip-rap, earthen berms, cave fills, and bulkheads that block the landward retreat of the shoreline and are used to protect structures and other features from erosion and other hazards. (See also "Revetment" and "Sea Wall")

Sports and Entertainment Assembly. A large-scale indoor or outdoor facility accommodating spectator- oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums.

Sports and Outdoor Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

athletic/sport fields (e.g., baseball, football, polo, softball, soccer)	swimming pools
health and athletic club outdoor facilities	tennis and other sport courts (e.g., handball)
skateboard parks	

Trail. A marked or beaten path, as through woods or wilderness route that is designed, designated, constructed, or

established through historic use for recreational pedestrian, hiking, biking, or equestrian riding use. Also, recreational routes that are designed to provide access for persons with mobility impairments.

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Tree Nut Hulling. Removing the soft outer hull (also known as the husk) from the nut by manual or mechanical methods.

Truck or Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

freight forwarding services	packing, crating, inspection and weighing services
freight terminal facilities	postal service bulk mailing distribution centers joint
terminal and service facilities	transportation arrangement services
overnight mail processing facilities	trucking facilities, including transfer and storage

Utility Service Line. A line providing electricity, gas, television, and other similar utilities.

Water Diversion Project. The diversion of water from a natural channel to another location through alteration of the natural channel and/or artificial structures.

Water Extraction, Commercial. The pumping and processing of natural, carbonated or mineral water from a well for commercial purposes, including bottling, shipping, storage and trucking.

Water System. A system for the extraction and provision of water utilizing a well or wells and including any collection, treatment, storage and distribution facilities.

Winery. A bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products to produce wine or similar spirits or the re-fermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing.

Section 35-430. Allowable Development and Planning Permit Requirements.

A. Applicability. This Division applies to all property located within the Gaviota Coast Plan area and describes the land uses that are allowed in the Gaviota Coast Plan area and planning permit requirements for each use. This Division supersedes and replaces the permitted uses and conditionally permitted uses that are listed in the following sections of this Article:

1. Sections 35-69.3 (Permitted Uses), 35-69.4 (Uses Permitted With a Major Conditional Use Permit) and 35-69.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-69 (AG-II - Agriculture II) of Division 4 (Zoning Districts).
2. Sections 35-70.3 (Permitted Uses), 35-70.4 (Uses Permitted With a Major Conditional Use Permit) and 35-70.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-70 (RR - Rural Residential) of Division 4 (Zoning Districts).
3. Sections 35-87.3 (Permitted Uses), 35-87.3a (Other Uses that are not Coastal-Dependent Industry) and 35-87.4 (Uses Permitted With a Major Conditional Use Permit) of Section 35-87 (M-CD - Coastal Dependent Industry) of Division 4 (Zoning Districts).
4. Sections 35-89.5 (Permitted Uses), 35-89.6 (Uses Permitted With a Major Conditional Use Permit) and 35-89.7 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-89 (REC - Recreation District) of Division 4 (Zoning Districts).
5. Sections 35-90.3 (Permitted Uses), 35-90.4 (Uses Permitted With a Major Conditional Use Permit) and 35-90.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-90 (RES - Resource Management) of Division 4 (Zoning Districts).
6. Sections 35-93.3 (Permitted Uses), 35-93.4 (Uses Permitted With a Major Conditional Use Permit) and 35-93.5 (Uses Permitted With a Minor Conditional Use Permit) of Section 35-93 (TC - Transportation Corridor) of Division 4 (Zoning Districts).
7. Section 35-144J (Animal Keeping) of Division 7 (General Regulations).

8. Section 35-147 (Processing) of Division 8 (Services, Utilities and Other Related Facilities).
9. Section 35-172.4 (Minor Conditional Use Permits).
10. Section 35-172.5 (Major Conditional Use Permits).

B. Allowable land uses. The land uses allowed by this Division within the Gaviota Coast Plan area in each zone and overlay zone are listed in Subsection E (Allowed land uses), below, together with the type of planning permit required for each use. Resource dependent uses (i.e., uses that are dependent on environmentally sensitive habitat in order to function), including public access and other uses not listed in Subsection E, are also allowed in each zone district.

1. **Establishment of an allowable use.** Any land use identified in Subsection E (Allowed land uses and permit requirements), below, as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection C (Permit requirements), below, and compliance with all applicable requirements of this Article.
2. **Use not listed.** A land use not shown on Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements), below, is not allowed except for any resource dependent use in any zone district and as otherwise provided in this Division or in compliance with Subsection B.3 (Similar and compatible uses may be allowed), below.
3. **Similar and compatible use may be allowed.** In addition to uses allowed in compliance with Subsection E (Allowed land uses and permit requirements), below, in the REC and TC zones the Commission may determine that a proposed use not listed in this Division is allowable in compliance with the following, as applicable.
 - a. **REC.** Any other use which the Commission determines to be similar in nature to the uses listed as a "P" use in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements), below.
 - b. **TC.** Any other use which the Commission determines to be required for the purpose of operating a highway, railroad, or trail.

C. Permit requirements. Proposed development and land uses shall comply with the following permit requirements, in addition to the requirements of a Building Permit or other permit required by the County Code. Unless exempt in compliance with Section 35-571B (Exemptions from Planning Permit Requirements), or Section 35-430.D (Exempt activities and structures), below, all development requires the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), including development not specifically listed in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) in Subsection E (Allowed land uses and permit requirements).

1. **General planning permit requirements.** The land uses identified in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) provide for land uses that are:
 - a. Permitted subject to compliance with all applicable provisions of this Article, subject to first obtaining a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) as applicable ~~and shown as "P" uses in the tables.~~ Permitted uses are shown in the table as either "PP," which denotes a Principal Permitted Use or "P," which denotes a non-principal Permitted Use. An action by the decision-maker to approve or conditionally approve a permit application for a non-Principal Permitted Use may be appealed to the Coastal Commission in compliance with Section 35-182.6 (Appeals to the Coastal Commission).
 - b. Allowed subject to the approval of a Minor Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "MCUP" uses in the tables. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Minor Conditional Use Permit.
 - c. Allowed subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits) and shown as "CUP" uses in the tables. An application for a Coastal Development Permit shall be processed concurrently and in conjunction with the application for the Major Conditional Use Permit.

- d. Allowed as an exempt use as listed in Section 35-571B (Exemptions from Planning Permit Requirements) or in Section 35-430.D (Exempt activities and structures). The exempt use or structure is exempt only if it is in compliance with the requirements of Section 35-571B (Exemptions from Planning Permit Requirements) or Section 35-430.D (Exempt activities and structures).
- e. Allowed subject to the type of County approval required by a specific provision of this Article and shown as "S" uses in the tables.
- f. Not allowed in particular zones and shown as "—" in the tables.
- g. Where the last column ("Specific Use Regulations") in Table 18-2 (Allowable Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a Section number, the referenced Section may affect whether the use requires a Coastal Development Permit, Development Plan, or Major or Minor Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

2. **Coastal Development Permit.** Proposed development and land uses within the Coastal Zone portion of the Gaviota Coast Plan area shall require the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits), unless otherwise indicated in this Division or if located within the ~~original-retained~~ permit jurisdiction of the Coastal Commission, in which case a Land Use Permit in compliance with Section 35-178 (Land Use Permits) is required following the issuance of a Coastal Development Permit by the Coastal Commission.

3. **Processing.** In addition to other application requirements, an application for a Coastal Development Permit for any new development on a lot that supports native habitat, has habitat that may support rare species, may be part of a wildlife corridor, and/or potentially supports an Environmentally Sensitive Habitat (ESH) area, as defined in Policy NS-4, shall include a detailed biological study of the site, prepared by a qualified biologist, or resource specialist. Site-specific conditions may dictate that additional study is required, such as protocol level surveys for listed species. At a minimum, the site-specific biological study must include the following elements:

- a. Introduction. The introduction shall describe the proposed project, include historical and current aerial photographs and maps that provide both a regional context and local detail, and provide photographic documentation of the existing condition of the proposed development site. The introduction must also contain a discussion of the physical characteristics of the site, including, topography (e.g., slope orientation), soil types, habitat and/or wildlife migration corridors, and microclimate.
- b. List of Potential Sensitive Species/Habitats. A list of sensitive species and habitats that could occur on the site must be included as an appendix to the report. This list can be generated from the California Natural Diversity Database and other reliable sources. Sensitive species include rare, threatened, or endangered species that are designated or are candidates for listing under State or Federal Law, California Native Plant Society "1B" or "2" listed species, those species identified as State "fully protected species" or "species of special concern," and any other species and habitats for which there is compelling evidence of rarity or are especially valuable because of their special nature or role in an ecosystem. The consulting biologist must then examine the site and determine whether the various species are present at the time of the survey or whether they are likely to be present at other times based on a habitat analysis and professional opinion.
- c. Results of Field Surveys.
 - i. Biological surveys must consist of field survey methods appropriate to the species or habitat being surveyed. Protocol-level surveys (consult California Department of Fish and Wildlife (DFW), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), etc.) are required for those sensitive species likely to occur on the proposed development site.
 - ii. The biological report must contain a discussion of all field methods actually employed, including the methods for formal protocol surveys. The detailed survey protocols for particular sensitive

- habitats or species may be placed in an appendix, but simply referencing another document is not acceptable.
- iii. The consulting biologist must identify and map within polygons all the vegetation community types present on the property and generally indicate the location of the vegetation communities on adjacent properties. The location of observed sensitive plant or animal species shall also be shown on the map.
 - iv. Where trees suitable for nesting or roosting or significant foraging habitat are present, the consulting biologist shall search for evidence of sensitive bird species and raptor use. If there is independent evidence of significant sensitive bird species or raptor use on or near the property, formal protocol survey(s) must be conducted.
 - iv. Potential wetland areas, including one parameter wetlands, must be identified and mapped as part of the biological assessment. These areas must be subjected to a formal, technical wetland delineation following the methods in the 1987 Army Corps of Engineers Wetland Delineation Manual and the 2008 Arid West Supplement.
 - v. The general biological context of the project site and a description of the actual wildlife use at the time of the assessment and an estimate of probable additional wildlife use. This description will result from the consulting biologist's visual and auditory search for birds and mammals or their sign and a search of leaf litter and under rocks for amphibians or reptiles.
 - vi. If oak trees are present on the property and are within 25 feet of the proposed development, an oak tree report and associated survey map shall be prepared by a qualified arborist or resource specialist that identifies and describes all existing oak trees on the subject property. The oak tree report must identify the existing health of each oak tree, potential impacts of development on each oak tree, including whether each oak tree is proposed to be removed, to have a substantial encroachment into its protected zone, or a minor encroachment. The report shall contain recommendations for avoiding, minimizing, and/or mitigating oak tree impacts. Oak tree canopy delineations must be conducted by a licensed surveyor, a qualified arborist, or other resource specialist with the expertise to accurately depict the dripline and the protected zone (six feet from the dripline or 15 feet from the trunk(s), whichever is larger) for each oak tree on the survey map. The oak tree canopy delineations must be current (conducted within one year prior to the submittal of the permit application), though project impacts will be addressed based on on-the-ground conditions at the time the application is considered. Include a site plan that shows the development in relation to all oak tree driplines/protected zones that are within 25 feet of any structure or other development and show setback(s) from the proposed development to the protected zones.
 - vii. In addition to an oak tree report, if sycamore, walnut, bay, or any other species of native trees are present on the project site, a native tree report and associated survey map, prepared by a qualified arborist or resource specialist that identifies and describes all existing native trees on the subject property, must be prepared. The report must identify the existing health of each native tree, potential impacts of development on each native tree, and whether each native tree is proposed to be removed, to have substantial encroachment into its protected zone, or minor encroachment. The report shall contain recommendations for avoiding, minimizing, and/or mitigating native tree impacts.
- d. Discussion.
- i. The biological assessment must contain a map that shows the biological features of the site with an overlay of the proposed project. The consulting biologist must identify and analyze the potential biological impacts of the proposed development and distinguish between permanent and temporary impacts. The duration of temporary impacts must be specified. Possible cumulative

- biological impacts must also be discussed.
- ii. The report must identify any apparent unauthorized development, including grading or vegetation removal, that may have contributed to degradation or elimination of habitat area or species that would otherwise be present on the proposed development site if the site was in healthy condition.
- iii. The report shall include an analysis of the frequency of wildfires affecting the proposed development site, the length of time since the last burn, and the impact of fire on the natural habitat on site.
- iv. Finally, the report must discuss the steps that will be taken to avoid and minimize impacts to sensitive resources, and present a plan to mitigate permissible unavoidable impacts.

D. Exempt activities and structures. Within the Gaviota Coast Plan area, the following land uses, activities and structures are exempt from the requirements of this Article and Division to obtain a Coastal Development Permit in addition to those land uses, structures and activities enumerated in Section 35-571B (Exemptions from Planning Permit Requirements) provided compliance with Section 35-571B.A (General Requirements for Exemption) is demonstrated unless the development does not qualify as exempt pursuant to subsection B.1 of Section 35-51B (Exemption does not apply).

1. **Animal keeping.** Animal keeping when shown as an "E" in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) in compliance with Section 35-450.B (Animal keeping).
2. **Cultivated agriculture, orchards, and vineyards, historic legal use.** Cultivated agriculture, orchards, and vineyards where the agricultural activities occur within existing areas of ongoing cultivated agriculture, orchards, and vineyards and where there is evidence of ongoing agricultural use on the site within the previous 10 year period do not constitute "development" and therefore do not require a permit. New or expanded cultivated agriculture, orchards, and vineyards are not exempt and shall be subject to the permit requirements of Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area).
3. **Farmstands.** Farmstands when in compliance with Section 35-460.E.1 (Farmstands).
4. **Grazing, historic legal use.** Grazing when located in existing areas of ongoing grazing, including the normal rotation of livestock from one pasture to another, and where there is evidence of ongoing grazing use on the site within the previous 10 year period does not constitute "development" and therefore does not require a permit. New or expanded grazing areas are not exempt and shall be subject to the permit requirements of Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area).

E. Allowable land uses and permit requirements.

1. **General permit requirements.** Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area), below, identify the uses of land allowed within the Gaviota Coast Plan area and the planning permit required to establish each use, in compliance with Division 11 (Permit Procedures).
2. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) includes a section number, the referenced Section may affect whether the use requires a Coastal Development Permit or a Land Use Permit, Development Plan, Minor Conditional Use Permit or Major Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
3. **Accessory structures and uses.** Each use allowed by Table 18-2 (Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area) may include accessory uses and structures that are customarily incidental to the principal use. Accessory structures and uses that are incidental, appropriate, and subordinate to the designated principal permitted use for each zone may be considered a component of the Principal Permitted Use and are shown in the table as "PP." Non-Principal Permitted Uses are shown in the table as "P." For accessory structures and uses that are not listed in Table 18-2, the appropriate decision-maker shall determine if the structure or use is a component of the Principal Permitted Use or is a non-Principal Permitted Use.
4. **Development Plan approval required.** Except as provided below, the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the

approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance.

- a. **AG-II zone.** Section 35-169.2.2 does not apply to development proposed on property zoned AG-II located within the Gaviota Coast Plan area and instead the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for the following structural development that is not otherwise required by this Section to have discretionary permit approval:

- 1) **Non-agricultural structural development.** The proposed structure and use thereof does not qualify as agricultural structural development (see Section 35-58 (Definitions)) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.
 - a) **Floor area not included in total gross floor area.** The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection E.4.a.1), above.
- 2) **Agricultural structural development.** The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:
 - a) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition.
 - b) The proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:
 - i) A different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area exists on the lot, or
 - ii) There is an active, unexpired planning permit that allows for the construction of a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area, or
 - iii) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a different structure that qualifies as agricultural structural development that is 10,000 or more square feet in gross floor area.
 - c) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in Table 18-1 (Development Plan Thresholds), below. Total gross floor area includes the gross floor area of agricultural structural development and non-agricultural structural development, both existing and proposed.

Table 18-1 - Development Plan Thresholds

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000
100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

- d) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in

compliance with Subsection E.4.a.2)c), above.

- i) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35-571B (Exemptions from Planning Permit Requirements).
- ii) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development where each structure does not exceed 3,000 square feet of gross floor area, has three or fewer walls, and at least one of the long sides of the structure is open and only utilizes posts to support the roof.
- e) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection E.4.a.2)c) and Subsection E.4.a.2)d), above, shall comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan), below. Proposed structures that do not comply with Subsection E.6 (Standards for agricultural structural development that does not require a Development Plan) may be allowed in compliance with an approved Final Development Plan.

b. M-CD zone. On property zoned M-CD:

- 1) **Oil and gas facilities.** Development related to oil and gas facilities shall be issued in compliance with the permit requirements and development standards of Division 9 (Oil and Gas Facilities).
- 2) **Other development.** For development other than that related to oil and gas facilities, the approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
- c. **REC zone.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for all development including grading.
- d. **RES and RR zones.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a structure that is not otherwise required to have a discretionary permit and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that, when together with existing structures on the lot will total 20,000 square feet or more of gross floor area.
- e. **TC zone.** The approval of a Final Development Plan in compliance with Section 35-174 (Development Plans) is required prior to the approval of a Coastal Development Permit, Land Use Permit or Zoning Clearance for all development including excavation and grading.

5. Design Review. Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or alteration of an existing structure in compliance with Section 35-184 (Board of Architectural Review).

6. Standards for agricultural structural development that does not require a Development Plan.

In addition to other development standards required by this Article, above, all development associated with the construction of agricultural structural development on lots zoned AG-II that does not require the approval of a Final Development Plan in compliance with Subsection E.4 (Development Plan approval required), above, shall comply with all of the additional development standards listed below. If conflicts occur between these requirements and any other provisions of the County Code, the Local Coastal Program, the primary zone, and any applicable overlay district, the requirements that are most protective of coastal resources shall control.

- a. The development protects and maintains continued and renewed agricultural production and

viability on site and does not impact adjacent agricultural lands. The development is sited and designed to avoid or minimizes significant impacts to agricultural land (i.e., prime agricultural land or non-prime land suitable for agriculture) to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations consistent with the operational needs of agricultural production. If use of such land is necessary for agricultural structural development, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development, and agricultural structures shall be clustered with other existing structures to the maximum extent feasible.

b. The development avoids environmentally sensitive habitat areas (ESH). If avoidance is infeasible and would preclude reasonable use of a parcel, pursuant to the Economically Viable Use Determination process of Article II Section 35-480, then the alternative that would result in the fewest or least significant impacts shall be selected.

bc. The development is located a minimum of 100 feet from the following environmentally sensitive habitat areas (ESH), including, but not limited to: that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case by case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.

1) Native plant communities recognized as rare by California Department of Fish and Game Wildlife (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

2) Native woodlands and forests, native chaparral, coastal scrub and coastal bluff scrub habitats, and native grasslands.

3) Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.

a) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, California fully protected species, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.

b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).

4) Plant communities known to contain rare, endangered, or threatened species.

5) Streams, riparian areas, vernal pools, and wetlands.

6) Marine mammal haulouts.

67) Any designated Environmentally Sensitive Habitat Areas.

The 100 ft. setback may be adjusted upward on a case-by-case basis given site specific evidence provided by a biological report prepared by a qualified biologist or when necessary to accommodate expected future migration of the shoreline and/or wetlands caused by sea level rise over the anticipated life of the proposed development. Where adjusted upward, as necessary to prevent significant disruption of habitat values, the required minimum buffer shall not preclude reasonable use of a parcel consistent with applicable law. Adjustment of a stream or riparian ESH buffer shall be based on an investigation of the following factors and, after consultation with the Department of Fish and Wildlife and Regional Water Quality Control Board. All buffers shall be sufficient to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- Existing vegetation, soil types and stability of stream and riparian corridors;
- How surface water filters into the ground;
- Slope of the land on either side of the stream;
- Location of the 100 year flood plain boundary; and

- Consistency with adopted Gaviota Coast Plan and Coastal Land Use Plan policies.

In all cases listed above, buffers may be adjusted downward only to avoid precluding reasonable use of property.

- ed. The development preserves natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- de. The development is compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - 1) Any exterior lighting is required for safety purposes only and complies with the following requirements:
 - a) Light fixtures are fully shielded (full cutoff) and directed downward to minimize impacts to the rural nighttime character.
 - b) ~~To the extent feasible, lighting is directed away from habitat areas;~~ and to the extent feasible, nearby residences, public roads and other areas of public use.
 - 2) Building materials and colors (earth tones and non-reflective paints) that are compatible with the surrounding natural environment are used to maximize the visual compatibility of the development with surrounding areas.

Table 18-2 Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area	P	Permitted use, Coastal Permit required (2)				
	PP	Principal Permitted Use, Coastal Permit required (2)				
	MCUP	Minor Conditional Use Permit required				
	CUP	Major Conditional Use Permit required				
	ZCE	Allowed use, Zoning Clearance <u>No Permit</u> required				
	S	Permit determined by Specific Use Regulations				
	—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE					Specific Use Regulations
	AG-II	M-CD(3)	REC	RES	RR	

AGRICULTURAL, MINING & ENERGY FACILITIES

Agricultural accessory structure	PP	—	—	P	P	—	35-119
Agricultural processing facility	S	—	—	—	—	—	35-460.D
Animal keeping (except equestrian facilities - see RECREATION)	S	S	S	S	S	—	35-450.B
Aquaculture	CUP	PP	—	—	CUP	—	35-460.F
Aquaponics	PP	—	—	—	—	—	
Cultivated agriculture, orchard, vineyard	PP	—	—	CUP (4)	PP	—	35-450.A
Grazing	PP	—	—	MCUP (5)	—	—	
Greenhouse, 300 sf or less	PP	—	—	—	P	—	
Greenhouse, more than 300 sf	P(7)	—	—	—	CUP (6)	—	
Mining, extraction & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	—	—	CUP	—	35-177
Mining - Surface, less than 1,000 cubic yards	P	P	—	—	P	—	35-177
Mining - Surface, 1,000 cubic yards or more	P	CUP	—	—	CUP	—	35-177
Oil and gas uses	S	S	—	S	S	—	Division 9
Winery	CUP	—	—	—	—	—	35-460.L

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Composting	S	—	—	—	—	—	35-460.G
Firewood processing and sales	S	—	—	—	—	—	35-460.H
Lumber processing and milling (small scale)	S	—	—	—	—	—	35-460.I
Recycling - Community recycling facility	—	—	—	—	—	CUP	
Recycling - Small collection center	—	—	—	—	—	CUP	
Recycling - Small collection center, non-profit	—	—	—	—	—	CUP	
Recycling - Specialized materials collection center	—	—	—	—	—	CUP	

Key to Zone Symbols

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

Notes:

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Must meet definition of "Cultivated agriculture, orchard, vineyard - Limited Slope."
- (5) Must meet definition of "Grazing - Limited Slope."
- (6) Greenhouses, hothouses, other plant protection structures in excess of 300 square feet and related development, e.g., packing sheds, parking, driveways, subject to the limitations provided in the ~~AG-IRR~~ District.
- (7) Greenhouses and greenhouse related development that are cumulatively less than 20,000 square feet in area may be permitted as a Principal Permitted Use (PP).

Table 18-2 - Continued Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area	P Permitted use, Coastal Permit required (2) PP Principal Permitted Use, Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Major Conditional Use Permit required ZCE Allowed use, Zoning Clearance No Permit required S Permit determined by Specific Use Regulations — Use Not Allowed					
	PERMIT REQUIRED BY ZONE					
LAND USE (1)	AG-II	M-CD(3)	REC	RES	RR	TC
						Specific Use

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Education or research facility, limited	—	—	—	PP	—	—	
Equestrian facility	CUP	—	CUP	—	CUP	—	
Golf course	—	—	P	—	CUP	—	
Meeting facility, religious	— (4)	—	— (4)	— (4)	CUP	—	
Rural recreation	S	—	P	CUP	—	—	35-450.C
School	CUP (5)	—	CUP	—	CUP	—	<u>35-450.D</u>
Sport and outdoor recreation facility	—	—	CUP	—	CUP	—	
Private Trail for bicycles, hiking or riding	P	P	P	P	P	P	
Public Trail for bicycles, hiking or riding	PP	PP	PP	PP	PP	PP	

RESIDENTIAL USES

Agricultural employee housing, 4 or fewer employees	PP	—	—	—	—	—	35-460.C
Agricultural employee housing, 5 or more employees	CUP	—	—	—	—	—	35-460.C
Artist studio	P	—	—	MCUP	P	—	35-120
Caretaker/manager dwelling	—	CUP (6)	MCUP	—	—	—	
Dwelling, one-family (7)	PP	—	—	P	PP	—	
Farmworker dwelling unit (7)	PP	—	—	PP	PP	CUP (8)	<u>35-144.P</u>
Farmworker housing complex	CUP	P	—	CUP	CUP	CUP	<u>35-144.P</u>
Guesthouse	P	—	—	P	P	—	35-120
Home occupation	P	—	—	P	P	—	35-121
Incentive dwelling unit	P	—	—	—	—	—	35-470
Pool house/cabaña	P	—	—	P	P	—	35-120
Residential accessory use or structure	P	—	MCUP	P	PP	—	35-119
Accessory dwelling unit Residential second unit	PP	—	—	P	PP	—	35-142
Special care home, 7 or more clients	MCUP	—	—	MCUP	MCUP	—	35-143

RETAIL TRADE

Agricultural product sales	S (9)	P (10)	—	—	S (10)	—	
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Key to Zone Symbols

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

Notes:

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) The proposed use may be allowed pursuant an approved CUP if the proposal would otherwise satisfy the criteria for a CUP and prohibiting such use would result in a violation of the federal Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc.
- (5) See Section 35-450.D (School development) for specific use regulations.
- (6) May also include dwellings for the employees of the owner or lessee of the land engaged in a permitted use of the land on which the dwelling is located.
- (7) One-family dwelling may be a mobile home on a permanent foundation, see Section 35-141 (Mobile Homes on Foundations).
- (8) Only if single-family dwellings are allowed as a permitted use in an abutting zone district.
- (9) See 35-460.E (Agricultural product sales) for specific use regulations.
- (10) Limited to the on-site production only; see 35-131 (Agricultural Sales) for specific use regulations.

Table 18-2 - Continued Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZCE	Allowed use, <u>Zoning Clearance</u> No Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use Regulations
	AG-II	M-CD(3)	REC	RES	RR	TC	

SERVICES

Charitable or philanthropic organization	—	—	CUP	—	CUP	—	
Large family day care home	P	—	P	P	P	—	35-143
Small family day care home	E	E	E	E	E	—	35-143
Child care center, Non-residential	MCUP	—	—	—	MCUP	—	
Child care center, Residential	MCUP	—	—	—	MCUP	—	
Medical services - Animal hospital	CUP	—	—	—	—	—	
Office - Accessory	P	P	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Indoor	—	CUP	—	—	—	—	
Repair service - Equipment, large appliances, etc. - Outdoor	—	CUP	—	—	—	—	

TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE

Agricultural product transportation facility	CUP	—	—	—	—	—	
Airstrip, temporary	CUP	CUP	CUP	CUP	CUP	CUP	
Boat launching facility accessory to approved recreation use	—	—	P	—	—	—	
Drainage channel, water course, storm drain less than 20,000 sf	P	P	P	P	P	P	Division 8
Drainage channel, water course, storm drain 20,000 sf or more	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Electrical substation - Minor (4)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (5) (6)	CUP	CUP	CUP	CUP	CUP	CUP	Division 8
Flood control project less than 20,000 sf total area	P	P	P	P	P	P	Division 8
Flood control project 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Heliport	CUP	CUP	CUP	CUP	CUP	CUP	
Highway and related facilities	—	—	—	—	—	PP	
Parking facility, public or private	—	—	—	—	—	PP(7)	
Pier, dock	—	P	P	—	—	—	
Pipeline - Oil or gas	P	P	—	—	—	—	Division 9
Public utility facility	—	CUP	—	—	—	—	
Public works or private service facility	—	MCUP	—	—	—	—	
Railroad	—	—	—	—	—	P	
Road, street less than 20,000 sf total area	P	P	P	P	P	PP	Division 8
Road, street 20,000 sf or more total area	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Roadside rest area operated by a governmental agency	—	—	—	—	—	P	
Sea wall, revetment, groin, or other shoreline structure	CUP	CUP	CUP	CUP	CUP	CUP	
Telecommunications facility	S	S	S	S	S	S	35-144F 35-144.G
Transit station or terminal	—	—	—	—	—	P	
Truck and freight terminal - Permanent	—	—	—	—	—	P	
Truck and freight terminal - Temporary	—	—	—	—	—	MCUP	
Utility service line with less than 5 connections (6)	P(8)	P(8)	P(8)	P(8)	P(8)	P(8)	Division 8
Utility service line with 5 or more connections (6)	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wind turbine and wind energy system	—	—	—	—	—	—	

Key to Zone Symbols

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

Notes:

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) Use is subject to the standards of the PU zone.
- (5) Does not include electrical transmission lines outside the jurisdiction of the County.
- (6) Not allowed in the CVC overlay.
- (7) May include park and ride facilities.
- (8) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).

Table 18-2 - Continued Allowed Land Uses and Permit Requirements for the Gaviota Coast Plan Area	P	Permitted use, Coastal Permit required (2)					
	PP	Principal Permitted Use, Coastal Permit required (2)					
	MCUP	Minor Conditional Use Permit required					
	CUP	Major Conditional Use Permit required					
	ZCE	Allowed use, Zoning Clearance No Permit required					
	S	Permit determined by Specific Use Regulations					
	—	Use Not Allowed					
LAND USE (1)	PERMIT REQUIRED BY ZONE						Specific Use
	AG-II	M-CD(3)	REC	RES	RR	TC	

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facility	CUP	CUP	—	CUP	CUP	—	Division 8
Desalination facility, less than 15 connections	MCUP	MCUP	—	MCUP	MCUP	—	Division 8
Desalination facility, 15 to less than 200 connections	CUP	CUP	—	CUP	CUP	—	Division 8
Onsite Wastewater Treatment System, individual, alternative	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Onsite Wastewater Treatment System, individual, conventional	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	Division 8
Onsite Wastewater Treatment System, individual, supplemental	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P	P	P	P	P	P	Division 8
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	MCUP	P	MCUP	MCUP	MCUP	MCUP	Division 8
Reservoir, less than 20,000 sf of total development	P	P	P	P	P	P	Division 8
Reservoir, 20,000 sf and more total development	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Wastewater treatment facility, less than 200 connections	CUP	—	—	CUP	CUP	—	Division 8
Water diversion project	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water extraction, commercial, including storage and trucking	—	CUP	—	—	CUP	—	Division 8
Water or sewer system pump or lift station	P	P	P	P	P	P	Division 8
Water system with 1 connection	P(4)	P(4)	P(4)	P(4)	P(4)	P(4)	Division 8
Water system with 2 or more connections	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Division 8
Water well, agricultural	PP	P	—	P	P	—	

Key to Zone Symbols

AG-II	Agriculture II	REC	Recreation	RR	Rural Residential
M-CD	Coastal-Dependent Industry	RES	Resource Management	TC	Transportation Corridor

Notes:

- (1) See Section 35-58 (Definitions) and Section 35-420 (Definitions) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35-430.E (Allowable land uses and permit requirements).
- (3) Uses limited to those that require a site on or adjacent to the sea to be able to function at all.
- (4) May be considered a Principal Permitted Use (PP) when incidental, appropriate and subordinate to a use designated as the Principal Permitted Use (PP).

Section 35-440. Standards for All Development and Land Uses.

All development and land uses within the Gaviota Coast Plan area shall comply with all the following development standards in addition to all other applicable standards contained in this Article.

- A. **Air quality disclosure statement.** Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) for residential developments that are located within 500 feet of Highway 101, a Notice to Property Owner shall be required to be recorded by the property owner that provides an Air Quality Disclosure Statement to potential buyers of the property. The Air Quality Disclosure Statement shall summarize the results of technical studies that reflect a health concern resulting from the exposure of children to air quality emissions generated within 500 feet of Highway 101.

- B. **Outdoor lighting.**

1. **Purpose and intent.** The purpose of this Subsection is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night- time safety, utility, security, and productivity.

2. **Applicability.** All exterior lighting installed on or after [*effective date of this ordinance*] within the Gaviota Coast Plan area shall comply with the following requirements.
3. **Application requirements.** In addition to the permit application submittal requirements required in Section 35-57A (Application Preparation and Filing), any application for a permit that includes outdoor light fixtures shall include plans showing the location and lumen output of all outdoor light fixtures, both existing and proposed.
4. **Approved materials and methods of installation.** The provisions of this Subsection are not intended to prevent the use of any design, material, or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material, or method:
 - a. Provides approximate equivalence to the specific requirements of this Subsection.
 - b. Is otherwise satisfactory and complies with the intent of this Subsection.
5. **Prohibited lights and lighting.**
 - a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise the following day, except that on-premises signs may be illuminated while the business is open to the public.
 - b. All outside illumination for aesthetic and decorative purposes that is not fully shielded (full cutoff) shall be prohibited between 9:00 p.m. and sunrise the following day.
 - c. Except for fully shielded (full cut off) lights, lighting associated with an outdoor recreational facility may only be illuminated between 9:00 p.m. and sunrise the following day to complete a specific organized recreational event, in progress and under illumination in conformance with this Subsection.
 - d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies by police and/or fire personnel, or for the purposes of gathering meteorological data.
 - e. Mercury vapor lights.
6. **Exemptions.** The following are exempt from the provisions of this Subsection.
 - a. All outdoor lighting fixtures lawfully installed prior to [*effective date of this ordinance*] are exempt from the shielding requirements of this Subsection; however, they shall be subject to the remaining requirements of this Subsection, except that fully shielded (full cutoff) lights are not subject to a time restriction.
 - b. Fossil fuel lights.
 - c. Traffic control signs and devices.
 - d. Street lights installed prior to [*effective date of this ordinance*].
 - e. Temporary emergency lighting (e.g., fire, police, public works).
 - f. Moving vehicle lights.
 - g. Navigation lights (e.g., airports, heliports, radio/television towers).
 - h. Seasonal decorations with individual lights in place no longer than 60 days.
 - i. Lighting for special events as provided by Subsection A-9.a (Temporary exemption), below.
 - j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.
 - k. Except as provided below, security lights of any wattage that are controlled by a motion- sensor switch and which do not remain on longer than 12 minutes after activation.
 - a) Security lights are required to be fully shielded in order to be exempt in compliance with this Subsection B.6.

1. Light fixtures shown on building permits that were approved prior to *[effective date of this ordinance]* are excluded from compliance with this Subsection for the initial installation only.
 - m. Solar walkway lights.
7. **General requirements.** All non-exempt light fixtures that require a County permit prior to installation shall be subject to the following general requirements:
 - a. All outdoor light fixtures installed after *[effective date of this ordinance]* and thereafter maintained upon private property, public property, or within the public right-of way is fully shielded (full cutoff).
 - 1) Sign illumination only illuminates the signage and does not spill into adjacent areas.
 - b. All replaced or repaired lighting fixtures requiring a permit are subject to the requirements of this Subsection.
 - c. Light trespass and glare is reduced to the maximum extent feasible through downward directional lighting methods.
 - d. Externally illuminated signs, advertising displays, and building identification use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
 - e. Outdoor light fixtures used for outdoor recreational facilities are fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods are utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
 - f. Illumination from recreational facility light fixtures is shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.
 - g. All lighting fixtures shall be installed at the minimum height necessary to achieve the design purpose of the lighting fixture.
8. **Submittal of plans and evidence of compliance.** Any application for a permit that includes outdoor light fixtures (except for exempt fixtures in compliance with this Subsection) shall include evidence that the proposed outdoor lighting will comply with this Subsection.
 - a. The application shall include:
 - 1) Plans showing the locations of all outdoor lighting fixtures.
 - 2) Description of the outdoor lighting fixtures, including manufacturer's catalog cuts and drawings. Description and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.
 - b. The plans and descriptions required to be submitted with the application shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection have been met.
9. **Temporary exemption.**
 - a. The Director may grant a temporary exemption, as defined herein, for such activities including circuses, fairs, carnivals, sporting events, and promotional activities, only if all of the following findings are first made:
 - 1) The activity for which the lighting is proposed is not intended to extend beyond 30 days.
 - 2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
 - 3) The proposed lighting will comply with the general intent of this Subsection.
 - b. The application for a temporary exemption shall at a minimum include all of the following

information:

- 1) Name and address of applicant and property owner.
- 2) Location of proposed fixtures.
- 3) Type, wattage, and lumen output of lamp(s).
- 4) Type and shielding of proposed fixtures.
- 5) Intended use of lighting.
- 6) Duration of time for requested exemption.
- 7) The nature of the exemption.
- 8) Such other information as the Department may request.

C. Protection of agricultural resources and prime agricultural soils.

1. Development that is not a component of the agricultural principal permitted use shall be permitted in compliance with Gaviota Coast Plan Development Standard AG-1 (Coastal).
2. Agricultural structural development and structures that are a component of the agricultural principal permitted use, including agricultural facilities, primary single-family dwellings residential structures, or greenhouses that do not rely on in-ground cultivation, within the agricultural zones shall be sited to avoid prime agricultural soils and non-prime land suitable for agriculture to the maximum extent feasible in compliance with Gaviota Coast Plan Development Standard AG-1.A (Coastal).
3. In order to retain the maximum amount of land in agricultural production or available for future agricultural production, agricultural accessory structures, agricultural product processing and sales facilities, and residential structures (such as primary residential dwelling, accessory dwelling units, guesthouse, cabana/pool house, artist studio, incentive dwelling unit, agricultural employee housing, and farmworker dwelling or housing complex) shall be clustered to the maximum extent feasible and their footprints shall be minimized, consistent with all applicable policies and provisions of the Local Coastal Program.

D. Signs and advertising structures.

1. Signs and advertising structures that are accessory to a use allowed in the AG-II zone may be allowed in compliance with Section 35-138 (Signs and Advertising Structures).
2. Signs are development that require the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) except where exempt in compliance with Section 35-430.D (Exempt activities and structures).
 - a. A sign that is incidental, appropriate and subordinate to a use designated as a Principal Permitted Use shall be also be considered a Principal Permitted Use.
 - b. If the issuance of a Coastal Development Permit in compliance Section 35-169 (Coastal Development Permits) is required then a Sign Certificate of Conformance shall not be required in addition to the Coastal Development Permit.

E. Protection of natural resources and environmentally sensitive habitat (ESH).

If conflicts occur between these requirements and any other provisions of the County Code, the Local Coastal Program, the primary zone, and any applicable overlay district, the requirements that are most protective of coastal resources shall control.

1. Non-resource dependent development shall avoid ESH. If avoidance is infeasible and would preclude reasonable use of a parcel, pursuant to the Economically Viable Use Determination process of Article II Section 35-480, then the alternative that would result in the fewest or least significant impacts shall be selected.
2. Non-resource dependent development shall be located a minimum of 100 feet from ESH, including, but not limited to:
 - a) Native plant communities recognized as rare by California Department of Fish and Wildlife (2003 or as amended). Examples include Native Grasslands, Maritime chaparral,

Bishop Pine Forests, and Coastal Dune Scrub.

- b) Native woodlands and forests, native chaparral, coastal scrub and coastal bluff scrub habitats, and native grasslands.
- c) Nesting, roosting, and/or breeding areas for rare, endangered or threatened animal species.
- d) Rare, endangered, or threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, California fully protected species, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
- e) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- f) Plant communities known to contain rare, endangered, or threatened species.
- g) Streams, riparian areas, vernal pools, and wetlands.
- h) Marine mammal haulouts.
- i) Any designated Environmentally Sensitive Habitat Areas.

The 100 ft. setback may be adjusted upward on a case-by-case basis given site specific evidence provided by a biological report prepared by a qualified biologist or when necessary to accommodate expected future migration of the shoreline and/or wetlands caused by sea level rise over the anticipated life of the proposed development. Where adjusted upward, as necessary to prevent significant disruption of habitat values, the required minimum buffer shall not preclude reasonable use of a parcel consistent with applicable law. Adjustment of a stream or riparian ESH buffer shall be based on an investigation of the following factors and, after consultation with the Department of Fish and Wildlife and Regional Water Quality Control Board. All buffers shall be sufficient to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- Existing vegetation, soil types and stability of stream and riparian corridors;
- How surface water filters into the ground;
- Slope of the land on either side of the stream;
- Location of the 100 year flood plain boundary; and
- Consistency with adopted Gaviota Coast Plan and Coastal Land Use Plan policies.

In all cases listed above, buffers may be adjusted downward only to avoid precluding reasonable use of property.

- 3. Development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
- 4. All exterior lighting shall be directed away from habitat areas.

F. Protection of visual resources.

Development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards. Building materials and colors (earth tones and non-reflective paints) shall be compatible with the surrounding natural environment and used to maximize the visual compatibility of the development with surrounding areas.

Section 35-450. Standards for Specific Land Uses.

- A. Agriculture.** Agricultural cultivation, such as the installation of new areas of cultivated agriculture, orchards or vineyards, located on slopes of 30 percent or greater on agriculturally zoned lands shall adhere to the best management practices in the Steep Slope Guidelines, Gaviota Coast Plan Appendix D, to

ensure slope stabilization, soil conservation, and water quality control.

B. Animal keeping.

1. **Purpose and intent.** This Subsection identifies the locations, types, and numbers of animals that may be kept, and the methods by which animals shall be kept, raised and maintained, under the circumstances specified. The intent of this Subsection is to ensure that animal keeping does not create an adverse impact on adjacent properties (e.g., dust, fumes, insect infestations, noise, odor, pollution of streams, creeks and wetlands due to soil erosion and sedimentation, propagation of flies and other disease vectors, visual blight) by providing standards for maintaining animals.
2. **Applicability.** This Subsection applies to any keeping of animals as either an accessory and incidental use or principal use, except for animal clinics, animal hospitals and veterinarian offices. This Subsection shall not apply to animals that are less than six months in age.
3. **In general.**
 - a. Animal keeping uses shall comply with the standards in Subsection B.6 (Specific animal keeping standards), below, and other applicable standards and requirements of this Article.
 - b. Animal keeping activities are subject to the requirements of this Subsection regardless of whether a permit is required.
 - c. Additional permits may be required by other provisions of this Article for structures used to enclose or house animals. Confined animal facilities require a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) unless otherwise exempt in compliance with Section 35-51B (Exemptions from Planning Permit Requirements) or 35-430.D (Exempt activities and structures). Confined animal facilities that are incidental, appropriate and subordinate to animal keeping designated as a Principal Permitted Use are also considered a Principal Permitted Use.
 - d. Certain animal keeping activities may also be subject to the permit requirements of County departments other than the Department in compliance with the County Code.
4. **Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping.** Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) identifies the type of animal or animal keeping activity allowed in ~~the AG-II~~ each zone, the permit requirements, the maximum allowable number of animals per lot, and the minimum required site area. Where the last column in a table ("Additional Regulations") includes a Section number, the referenced Section may establish other requirements and standards applicable to the animal keeping activity. In cases where confined animal facilities have been legally established for a given animal-keeping activity, a Coastal Development Permit is not required for replacement of animals or the addition of animals provided that the total amount of animals does not exceed the maximum number allowed on the lot on which the animal keeping occurs in compliance with Table 18-3. The establishment of new or additional confined animal facilities requires a Coastal Development Permit.
5. **Use of property for animals different in species or greater in number.** A lot may be used for the keeping of animals that are of a different species than those identified, or where the number of animals is greater than that specified, in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).
6. **Specific animal keeping standards.** The following requirements apply to the keeping of animals identified in Subsection B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping) above, in addition to other applicable standards of this Section and this Article.
 - a. **Household pets.** Where allowed in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area), household pets shall be kept in compliance with the following standards. The restrictions contained in this Subsection B.6.a shall not apply if an animal may be kept in compliance with a different "Type of Animal or Animal Keeping Activity" listed in Table 18-3 (Animal Keeping in the Gaviota Coast Plan Area) for the applicable zone.
 - 1) The keeping of household pets shall be accessory to a residential use of a dwelling

- located on the lot where the animal keeping occurs.
- 2) No more than three dogs permitted on a single lot.
- 3) Such animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
- 4) The keeping of such animals shall not be injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
- 5) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.
- 6. No rooster or peacock shall be kept or raised on the lot.
- b. **Special standards and requirements for animal keeping in the RES zone.** In the RES zone, except for agricultural grazing, animal keeping shall be accessory to a residential use of a dwelling located on the lot where the animal keeping occurs and shall be limited to non-commercial uses only.
- c. **Special standards and requirements for animal keeping in the RR zones.** In the RR zone, animal keeping shall also comply with the following:
 - 1) **Animal enclosures for large animals.**
 - a) No stable, barn or other enclosure for large animal (e.g., paddock, corral) shall be located on a single lot having a gross area of less than 20,000 square feet.
 - b) No portion of a stable, barn or other large animal enclosure shall be located closer than:
 - i) 40 feet to any dwelling located on another lot.
 - ii) 70 feet to any street centerline and 20 feet to any street right-of-way.
 - iii) 15 feet from the rear property line.
 - iv) 10 feet from the side property lines.
 - v) 10 feet from the property lines of an interior lot.
 - 2) **Limitation on dogs.** No more than three dogs shall be allowed on a lot unless a Major Conditional Use Permit for a commercial kennel, or a Minor Conditional Use Permit for a non-commercial kennel, is first obtained in compliance with Section 35-172 (Conditional Use Permits).
 - 3) **Small non-hoofed animals.** Small non-hoofed animals (e.g., bees, chickens, birds, ducks, rabbits) may be allowed provided that:
 - a) The keeping of such animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the Director after advice from the Public Health Department.
 - b) Enclosures for such animals are located no closer than 25 feet to any dwelling located on another lot.
 - c) No rooster or peacock shall be kept or raised in a residential zone except on a lot of one acre (gross) or more where all adjoining lots are of equivalent size or larger.
 - 4) **Odor and vector control.** Animal enclosures shall be maintained free from litter, garbage and the accumulation of manure, in order to discourage the proliferation of flies, other disease vectors, and offensive odors. Sites shall be maintained in a neat and sanitary manner.
 - 5) **Storage and disposal of animal waste.** Animal waste shall be removed and disposed of or stored in a manner that prevents unsanitary conditions and breeding of flies.

Manure shall not be allowed to accumulate so as to cause as hazard to the health, welfare, or safety of humans and animals, or to contaminate surface or subsurface water quality.

- b. Where multiple proposed animal species have equivalent animal density requirements (maximum number of animals per lot) established by Subsection B.4 (Types of animals, permit requirements, maximum numbers, and minimum site areas for animal keeping), the total number of animals shall not exceed the density requirement (e.g., in the RR zone, cattle and horses are both limited to a density of one animal per 20,000 square feet of lot area. A lot with two acres could have as many as four horses or cows, or any combination of horses and cows, as long as the total did not exceed four.)

Table 18-3		E Allowed use, no permit required (Exempt) (1) P Permitted use, Coastal Permit required PP Principal Permitted Use, Coastal Permit required MCUP Minor Conditional Use Permit CUP Major Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed		
Animal Keeping in the Gaviota Coast Plan Area				
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone	Maximum Number of Animals per Lot (2)		Additional Regulations
Cattle, not involving a commercial livestock feed or sales yard, or dairy; horses and mules; llamas and alpacas; ostriches, not including a commercial livestock feed or sales yard	AG-II	PP	None	35-450.B.6.b 35-450.B.6.c
	M-CD	—		
	REC	—		
	RES	P (3)	None	
	RR	P (3)	1 animal per 20,000 sf of lot area	
	TC	—		
Commercial boarding and raising of animals for members of the public	AG-II	P	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	MCUP	None	
	TC	—		
Dairy	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	—		
	TC	—		
Dogs (3)(4)	AG-II	PE	3	35-450.B.6.b 35-450.B.6.c
	M-CD	—		
	REC	—		
	RES	P	3	
	RR	P	3	
	TC	—		
Goats and sheep (3)	AG-II	PP	None	35-450.B.6.b 35-450.B.6.c
	M-CD	—		
	REC	—		
	RES	P	None	
	RR	P	3 animals per 20,000 sf of lot area	
	TC	—		
Hogs and swine (3)	AG-II	PP	None	35-450.B.6.b 35-450.B.6.c
	M-CD	—		
	REC	—		
	RES	MCUP	None	
	RR	P	3 animals per 20,000 sf of lot area; maximum 3 per lot	
	TC	—		
Hog ranch (3)	AG-II	PP	None	
	M-CD	—		
	REC	—		
	RES	—		
	RR	—		
	TC	—		

Notes:

- (1) Exempt only when in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) and Section 35-430.D (Exempt activities and structures).
- (2) See Section 35-450.B.7 (Multiple animal types).
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.
- (4) Does not include dogs that qualify as household pets in compliance with Section 35-450.B.6.a.

Table 18-3 - Continued		E Allowed use, no permit required (Exempt) (1) P Permitted use, Coastal Permit required <u>PP</u> Principal Permitted Use, Coastal Permit required MCUP Minor Conditional Use Permit CUP Major Conditional Use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed			
Animal Keeping in the Gaviota Coast Plan Area					
Type of Animal or Animal Keeping Activity	Permit Requirement by Zone (1)		Maximum Number of Animals per Lot (2)	Additional Regulations	
Household pets	AG-II	E	35-450.B.6.a)	35-450.B.6.a	
	M-CD	E			
	REC	E			
	RES	E			
	RR	E			
	TC	—			
Kennel, commercial	AG-II	P	None		
	M-CD	—			
	REC	—			
	RES	—			
	RR	CUP	None		35-450.B.6.c
	TC	—			
Kennel, non commercial (3)	AG-II	P	None		
	M-CD	—			
	REC	—			
	RES	P	None		35-450.B.6.b
	RR	MCUP	None		35-450.B.6.c
	TC	—			
Small non-hoofed animals, including bees, birds, fowl and poultry, rabbits (3)	AG-II	<u>PP</u>	None		
	M-CD	—			
	REC	—			
	RES	P	None		35-450.B.6.b
	RR	P	None		35-450.B.6.c
	TC	—			
Wildlife species rehabilitation	AG-II	P	None	35-144H	
	M-CD	P			
	REC	P			
	RES	P			
	RR	P			
	TC	P			

Notes:

- (1) Exempt only when in compliance with Section 35-571B (Exemptions from Planning Permit Requirements) and Section 35-430.D (Exempt activities and structures).
- (2) See Section 35-450.B.7 (Multiple animal types).
- (3) Does not include commercial boarding or raising of animals where such services are offered to members of the public.

C. Rural recreation. The following standards shall apply to rural recreation land uses allowed in compliance with Section 35-460.J (Rural recreation) in addition to any other applicable standards contained in this Article.

1. Allowed rural recreation uses by zone.

- a. Within the AG-II, REC and RES zone the following rural recreational uses may allowed in compliance with Section 35-430.E (Allowable land uses and permit requirements):
 - 1) **AG-II.** Those uses allowed in compliance with Section 35-460.J (Rural recreation).
 - 2) **REC.** Outdoor public and/or private recreational uses, e.g., campgrounds, parks, trails, recreational vehicle accommodations, which may include structures and facilities that are required to support the allowed recreational uses, including:
 - a) Boat launching facilities.
 - b) Corrals and stables.

- c) Lifeguard and ranger stations.
- d) Limited concession facilities.
- e) Parking areas.

3) RES. Low intensity recreational uses that include the following provided that recreational vehicle accommodations are not provided:

- a) Campgrounds and trails with minimum facilities including summer camps.
- b) Dude ranches.
- c) Group retreat facilities.
- d) Hunting clubs.

2. Recreational facility development. Development of recreational facilities shall:

- a. Conform with the Gaviota Coast Plan area visual and natural resources policies.
- b. Minimize grading, removal of vegetation, and paving.
- c. Be compatible with the rural character of the area.
- d. Preserve existing natural ~~features~~ landforms in an undisturbed state to the maximum extent feasible.
- e. Incorporate landscaping that consists of drought-tolerant species.

3. Setback and location requirements.

- a. Campgrounds and ancillary facilities located south of Highway 101 shall be sited as far as feasible from the beach in order to reserve near-shore areas for day use, except for trails and public accessways that facilitate coastal public access to the beach.
- b. ~~Where feasible, n~~New recreational facility development, particularly campgrounds and parking lots (except trailhead parking lots), shall be located north of Highway 101 sited in appropriate locations to facilitate coastal public access and recreation, in consideration of site constraints.

4. Protection of vegetation. The vegetation in the small canyons at the mouths of Cañada San Onofre and Cañada del Molino shall not be disturbed by recreational development or use.

D. School development in the AG-II zone.

- 1. Schools allowed by a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) in the AG-II zone are limited to:
 - a. The expansion of lawful, existing facilities, including the development of new facilities located on a lot that is both adjacent to and under the same ownership as the lot on which the lawful, existing facility is located.
 - b. The re-establishment of a school in facilities that were formerly occupied by the school. This may include the development of new facilities on a lot that is both adjacent to the lot on which the school facility is located and is owned by the school.
 - 1) Specific to the Vista del Mar School District, this allows the development of new school facilities on property known as Assessor's Parcel Nos. 081-130-058 and 081-130-059 that are owned by the school district prior to November 18, 2010.
- 2. Lawful, existing school facilities are considered to be conforming development and are not subject to the restrictions of Division 10 (Nonconforming Structures and Uses).
- 3. Within this Subsection D (School development in the AG-II zone), adjacent includes lots that are separated by a street that is not a freeway or highway or the frontage road of a freeway or highway.

Section 35-460 Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone.

- A. Purpose and intent.** This Section determines the type of planning permit required for the specific land uses listed below, and provides development standards and structure size limitations related to the intensity of the land use. The intent is to provide for flexibility in the development of uses that are individually and cumulatively accessory to, supportive of, and subordinate to the primary agricultural use of the property while promoting orderly development of these uses within the Gaviota Coast Plan area, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, and prevent impacts to natural, cultural, and visual resources. The cumulative uses on any premises shall be incidental and subordinate to the agriculture activity located on the premises.
- B. Applicability.** The requirements of this Section 35-460 (Permit Requirements and Development Standards for Specific Uses in the AG-II Zone) apply to applications for development of land uses that are ~~that are~~ proposed to be located on property zoned Agricultural II (AG-II) within the Gaviota Coast Plan area.
- C. Agricultural employee and farmworker housing.** Additional dwellings providing housing for agricultural employees may be allowed in compliance with Section 35-144R (Agricultural Employee Dwellings) and Section 35-144P (Farmworker Housing).
- D. Agricultural processing facilities.** The processing of agricultural and horticultural products as provided below may be allowed in compliance with the following permit requirements and development standards.
- 1. Cleaning, freezing, packing, storage, and sorting facilities.** Facilities for the cleaning, freezing, packing storage, and sorting of agricultural and horticultural products (other than animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in their natural form may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the facility complies the following development standards:
 - a. The facility shall be accessory to and supportive of ~~other~~ the primary agricultural operations located on the same premises as the proposed facility and on other local agricultural lands (defined as lands located within 25 miles of the boundaries of Santa Barbara County).
 - b. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of Santa Barbara County for local processing, distribution, or sale.
 - c. The products are determined by the Commission to be similar to products grown on the premises where the facility is located or on other local agricultural lands.
 - d. The facility also processes products grown on the premises or on other local agricultural lands.
 - e. The operation will not have a significant adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - 2. Product preparation.** Agricultural and horticultural product preparation includes drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain.
 - a. A Product preparation operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards.
 - 1) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.

- 2) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
 - 3) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any preparation allowed in compliance with this Subsection D.2 (Product preparation).
 - 4) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the gross area of the premises, or one acre, whichever is less.
 - 5) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
 - 6) The operation will not ~~have a significantly compromise adverse impact on~~ the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - 7) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.
- b. A Product preparation operation that may not be allowed in compliance with Subsections D.2.a, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
 - 2) The operation will not include a new at-grade crossing of Highway 101.

3. Small-scale processing (beyond the raw state).

- a. A Small scale processing operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:
- 1) The activity is incidental to agricultural operations located on the same lot.
 - 2) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.
 - 3) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
 - 4) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any processing allowed in compliance with this Subsection D.3 (Processing (beyond the raw state)).
 - 5) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the gross lot area, or one acre, whichever is less.
 - 6) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
 - 7) The operation will not ~~have a significantly compromise adverse impact on~~ the long-term productive agricultural capability or natural resources of the subject

lot(s) or adjacent lot(s).

- 8) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.

- b. A Small scale processing operation that may not be allowed in compliance with Subsections D.3.a, above, may be allowed as non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
- 2) The operation does not include a new at-grade access to Highway 101.

4. Tree nut hulling.

- a. A Tree nut hulling operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:

- 1) All of the agricultural and horticultural products used in the operation originate within San Luis Obispo, Santa Barbara and Ventura counties.
- 2) Agricultural and horticultural products used in the operation that do not originate from the premises are limited to no more than 49 percent of the total volume of products prepared on the premises on which the operation is located.
- 3) The lot on which the operation occurs is planted with the agricultural or horticultural product used in the operation prior to the commencement of any processing allowed in compliance with this Subsection D.4 (Tree nut hulling).
- 4) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is less.
- 5) Any new structure proposed as part of the operation is less than 3,000 square feet in net floor area.
- 6) The operation will not have a significantly compromise adverse impact on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- 7) The operation is in compliance Section 35-102G (CVC - Critical Viewshed Corridor Overlay District), if applicable.

- b. A Tree nut hulling operation that may not be allowed in compliance with Subsections D.4.a, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:

- 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
- 2) The operation does not include a new at-grade access to Highway 101.

E. Agricultural product sales. Agricultural sales allowed in compliance with Section 35-131 (Agricultural Sales) are not allowed on AG-II zoned property located within the Gaviota Coast Plan area and instead the following commercial facilities for the retail sale of commodities may be allowed subject to compliance with the applicable permit requirements and development standards

1. Farmstands.

- a. A Farmstand may be exempt from the requirement to obtain a Coastal Development Permit when in compliance with all of the following:
- 1) The sale shall be conducted within an existing agricultural building or from a separate stand that is less than or equal to 600 square feet of gross floor area.
 - 2) The structure is located no closer than 20 feet to the right-of-way line of any street.
 - 3) The development will:
 - a) Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area, or on/within 50 feet of a coastal bluff.
 - b) Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantial evidence of prescriptive rights).
 - c) Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.
 - d) The operation is incidental to agricultural operations located on the same premises and complies with the development standards of Section 35-460.E.1.b below.
- b. A Farmstand operation that does not meet the standards of Section 35-460.E.1.a, above, may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation is incidental to agricultural operations located on the same premises and complies with the following development standards:
- 1) **Access.**
 - a) Ingress and egress to the agricultural sales area is clearly visible, and turning movements into the premises from adjacent road rights-of-way do not create congestion or cause unnecessary slowing at access points.
 - b) Direct access to farmstand sales area from an at-grade access with Highway 101 is prohibited.
 - 2) **Allowed retail sales.** Retail sales of the following products directly to members of the public are allowed provided the applicable development standards are complied with.
 - a) **Agricultural products.** The sale of agricultural products, including facilities where the public has~~ve~~ access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms) provided:
 - i) The operation is operated by a single proprietor.
 - ii) The agricultural products offered for sale are either grown on the premises, or on other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or on other property within a 25-mile radius of the lot on which the sales occur.
 - b) **Artisanal crafts.** The sale of artisanal crafts provided:
 - i) The products are created within Santa Barbara County.
 - ii) The volume of such sales is subordinate to the total amount of sales.
 - iii) The area devoted to the sale of artisanal crafts does not exceed 20 percent of total area of the farmstand. Inventory storage may occur in a separate area that is not included within the 20 percent of the total area provided the area is neither visible nor accessible to the

public.

- c) **Ornamental plants, shrubs and trees.** The sale of ornamental plants, shrubs and trees that are grown in containers, including products that are imported from off- site, provided the area to which the public has access is limited to 10,000 square feet.
 - i) This may also include the incidental sale of garden and landscape materials and equipment provided the area devoted to such sales is limited to a single contiguous area that does not exceed 300 square feet in area. Inventory storage may occur in a separate area that is not included with the 300 square feet provided the area is neither visible nor accessible to the public.
- d) **Nonpotentially hazardous prepackaged food products.** The sale of nonpotentially hazardous prepackaged food products, including bottled water and soft drinks, produced off-site provided:
 - i) The area devoted to the sale and inventory storage of such products is restricted to a single contiguous area that does not exceed 50 square feet in area.
 - ii) All products comply with the requirements of Section 47050 of the State Food and Agricultural Code and Section 114375 of the State Health and Safety Code.
- e) **Vegetative holiday sales products.** Sales of vegetative holiday sales products (e.g., pumpkins, Christmas trees) grown off-site provided the area to which the public has access is limited to 10,000 square feet.

3) Lighting. Exterior lighting fixtures associated with an agricultural sales area shall be:

- a) Designed to be low glare and low intensity.
- b) Shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership.
- c) Installed and operated in a manner that will not cast light, either reflected or directly, in an upward direction.
- d) In compliance with Section 35-440.B.

4) Parking.

- a) Except as provided in Subsection E.1.a.4)b), below:
 - i) Parking areas are constructed with an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface including pervious materials.
 - ii) The use of any non-permeable surface materials (e.g., as asphalt, concrete, or chip seal) is restricted to the minimum necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.
- b) Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
- c) Parking areas shall comply with the applicable disabled access

requirements of Title 24 of the California Code of Regulations.

- d) Parking is not located within any adjacent road rights-of-way or trail easements.

5) Structures.

- a) If a structure is proposed as part of the operation, then the operation shall be conducted either within:
 - i) An existing agricultural structure, or
 - iii) A separate stand that is less than or equal to 800 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
- b) A structure that is not used as part of the farmstand operation for a period of 12 months shall be removed within the three month period immediately following the 12 months of non-use unless the use of the structure is accessory to another allowed use of the lot on which the structure is located.
- c. A Development Plan approved by the Director in compliance with Section 35-174 (Development Plans) is required for the sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.

F. Aquaculture.

1. Purpose and applicability. This Section provides standards for aquaculture facilities located in the Gaviota Coast Plan area.

2. Development and operating standards.

- a. Aquaculture facilities shall be sited and designed to be compatible with the natural surroundings.
- b. Structures shall be well screened and depressed below grade when feasible to minimize impacts on coastal visual resources.
- c. Intake and outfall lines for ocean water shall be located underground unless determined by the decision-maker to be infeasible for a particular operation.
- d. Adequate provisions for lateral beach access shall be required if above ground channels or pipes are necessary.

G. Composting.

1. A composting operation may be considered a component of the Principal Permitted Use and may be allowed in compliance with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards.

- a. All of the feedstock for the operation originates from within Santa Barbara County.
- b. No new structure(s) that would require a planning permit or new water or wastewater permit issued by the County are proposed.
- c. There is no more than 500 cubic yards of compost on-site at any one time.
- d. No more than 1,000 cubic yards of compost sold or given away annually.
- e. The feedstock material may also include up to 10 percent food matter.
- f. Compost piles do not exceed 12 feet in height.
- g. The operator of the operation shall maintain and follow an odor abatement plan in compliance with Santa Barbara County Air Pollution Control District recommendations.

- h. The operation is in compliance Section 35-102G. (CVC - Critical Viewshed Corridor Overlay District), if applicable.
 - i. The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.
 - 1) The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.
 - 2) The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.
 2. A composting operation that may not be allowed in compliance with Subsection G.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided:
 - a. **Development standards.** The operation complies with the following development standards:
 - 1) **Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.
 - 2) **Structure for sale of composting product.** If a structure is required for the sale of a product, the sale is conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
 - 3) **Parking.** A minimum of two permanently maintained parking spaces are:
 - a) Located on the lot where the composting operation occurs.
 - b) Not located within 20 feet of the right-of-way line of any street.
 - 3) **Permit requirements.** All other permits required by County Departments for a facility, except those permits required by the Division of Building and Safety, shall be obtained before issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits) or issuance of a Zoning Clearance in compliance with Section 35-179A (Zoning Clearances) as applicable.
 - 4) **Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the Public Health Department, Environmental Health Services Division, on a quarterly basis.
 - b. **Additional findings.** Prior to the approval of a Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) the following additional findings are first made:
 - 1) The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
 - 2) The operation will not include a new at-grade crossing of Highway 101.

H. Firewood processing and sales.

1. A Firewood processing and sales operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards.
 - a. Firewood from offsite sources shall be limited to no more than 49 percent of the total volume of firewood processed on the facility premises.

- b. The premises where the operation occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Subsection H (Firewood processing and sales).
 - c. The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - d. Firewood processing and sales operations shall be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection H.1.b above.
 - e. The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
 - f. The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
 - g. The operation will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
2. A firewood processing and sales operation that may not be allowed in compliance with Subsection H.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- a. The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
 - b. The operation will not include a new at-grade crossing of Highway 101.
 - c. The operation will be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection H.1.b above.

I. Lumber processing and milling (small scale).

1. A lumber processing and milling operation may be allowed as a non-Principal Permitted Use in compliance with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- a. All of the material used in the operation originates within Santa Barbara County.
 - b. Lumber from offsite sources shall be limited to no more than 49 percent of the total volume of lumber processed on the facility premises.
 - d. The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Subsection I (Lumber processing and milling).
 - e. The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
 - f. The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.

- g. The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
 - h. Lumber processing and milling operations shall be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection I.1.c above.
2. A lumber processing and milling operation that may not be allowed in compliance with Subsection I.1, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- a. The operation will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on and adjacent to the subject lot(s).
 - b. The operation will not include a new at-grade crossing of Highway 101.
 - c. The operation will be in compliance with Section 35-97 (Environmentally Sensitive Habitat Overlay District) and Section 35-140 (Tree Removal) and shall not remove existing native trees pursuant to Policy NS-12 of the Gaviota Coast Plan, other than planted trees in compliance with Subsection I.1.c above.

J. Rural recreation. The following allowable uses, permit requirement and development standards shall apply to projects located in the Gaviota Coast Plan area on property zoned AG-II. See Subsection 35-450.C (Rural Recreational) for additional development standards that apply to the following uses.

1. Campgrounds.

- a. A Campground operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
 - 1) The project does not include any of the following:
 - a) New grading or structures that would require a grading or planning permit. This does not apply to grading and structures that are required in order to comply with the requirements of the Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.
 - b) Electrical hookups for vehicles including recreational vehicles and trailers.
 - c) New impervious surfaces.
 - 2) The project is not located on property zoned with the Critical Viewshed Corridor Overlay unless the Director determines that the location of the campground is in character with the rural setting and will not result in significant visual impacts ~~not visible~~ from Highway 101 due to natural intervening topography.
 - 3) There are no more than 10 campsites.
 - a) No more than two vehicles shall be parked at each campsite.
 - b) A maximum of one-half of the total number of campsites may be used at any one time for the parking of not more than two recreational vehicles or trailers per site. Recreational vehicles and trailers shall not exceed 25 feet in length.
 - 4) Stays are limited to a maximum of 14 days per person per year.
 - 5) The use will not interfere with agricultural production on or adjacent to the lot on which it is located and the use will not have significantly compromise

adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).

- 6) The use will not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands. Prior to the approval of a Coastal Development Permit approved in compliance with Section 35-169 (Coastal Development Permits), the plans for the Campground operation shall reviewed and approved by:
 - a) The Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.
 - b) The County Fire Department in regards to fire safety.
- b. A Campground operation that may not be allowed in compliance with Subsection J.1.a, above, may be allowed as a non-Principal Permitted Use with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
 - 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or interfere with agricultural production on or adjacent to the subject lot(s).
 - 2) The operation will not include a new at-grade crossing of Highway 101.
 - 3) The operation does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.

2. Farmstay.

- a. A Farmstay operation may be considered a component of the Principal Permitted Use and may be allowed with a Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) provided the operation complies with the following development standards:
 - 1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a ~~lot~~premises.
 - 2) The operation is housed in a single permitted or nonconforming dwelling existing as of *[the effective date of this ordinance]*.
 - 3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the ~~lot~~premises. Lodging and meals are incidental and not the primary function of the Farmstay operation.
 - a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.
 - b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.
 - 4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.
 - a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the

compatibility guidelines.

- 5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:
 - a) Does not constitute the principal land use of the premises, ~~and~~
 - b) Is beneficial and inherently related to the farm or ranch operation, and
 - c) Is in character with the rural setting.
 - 6) The operation will not ~~have significantly compromise adverse impacts on the~~ long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).
 - 7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.
- b. A Farmstay operation that may not be allowed in compliance with Subsection J.2.a, above, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, or the agricultural lands on or adjacent to the subject lot.
 - 2) The operation will not include a new at-grade crossing of Highway 101.

3. Fishing operation.

- a. A fishing operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- 1) The operation is limited to 20 participants daily.
 - 2) The floor area (gross) of any new structure is less than 600 square feet.
 - 3) The operation will not ~~have significantly compromise adverse impacts on the~~ long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
 - 4) The fishing will occur within an existing permitted or legal nonconforming artificial pond or reservoir.
- b. A fishing operation that may not be allowed in compliance with Subsections J.3.a, above, may be allowed as a non-Principal Permitted Use with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, and the agricultural lands on or adjacent to the subject lot(s).
 - 2) The operation will not include a new at-grade crossing of Highway 101.

4. Horseback riding.

- a. A horseback riding operation may be allowed as a non-Principal Permitted Use with a Coastal Development Permit issued in compliance with Section 35-169.4.2 (Coastal Development Permits for development that is appealable to the Coastal Commission) provided the operation complies with the following development standards:
- 1) The operation is limited to 20 participants daily.

- 2) The floor area (gross) of any new structure associated with the operation is less than 1,200 square feet.
 - 3) The operation will not have significantly compromise adverse impacts on the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).
- b. A horseback riding operation that may not be allowed in compliance with Subsections J.4.a. ~~or J.4.b.~~, above, may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the following additional findings are first made:
- 1) The operation is in character with the rural setting and will not result in significant adverse impacts to visual resources, natural resources, and the agricultural lands on or adjacent to the subject lot(s).
 - 2) The operation will not include a new at-grade crossing of Highway 101.
5. **Other-low intensity recreational development.** In addition to recreation uses allowed in compliance with Subsections J.1 through J.4, above, low-intensity recreational development such as ~~hiking trails~~, public riding stables, recreational camps, and retreats may be allowed as a non-Principal Permitted Use in compliance with a Major Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) provided the operation complies with the following development standards:
- a. The activity is in character with the rural setting.
 - b. The activity does not interfere with agricultural production on or adjacent to the lot on which it is located.
 - c. The activity does not include commercial facilities open to the general public who are not using the recreational facility.
 - d. The activity does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.
 - e. The activity will not result in significant adverse impacts to visual or natural resources.
- L. **Wineries.** Wineries, including processing, distribution, and sale of wine grapes and wine grape products grown off the premises that comply with all of the following standards may be allowed as a non-Principal Permitted Use subject to the approval of a Major Conditional Use Permit in compliance with Section 35-172 (Conditional Use Permits).
- a. The winery is located on premises used for vineyard purposes.
 - b. The winery is operated in connection with the processing of wine grapes grown on the premises.
 - c. Retail sales of wine grape products shall be limited to those processed on the premises.

Section 35-470 Gaviota Coast Plan Area Land Use Incentive Program.

- A. **Purpose and intent.** The purpose of the Gaviota Coast Plan area land use incentive program is to allow landowners within the Gaviota Coast Plan area on property zoned AG-II to develop additional dwelling units (i.e., incentive dwelling units) in exchange for taking actions that provide a demonstrated public benefit such as the provision of public trails. The intent is to implement the policies and development standards of Gaviota Coast Plan that seek to, through voluntary landowner action, provide a greater level of protection and enhancement of natural resources, support agricultural viability, and increase public access, throughout the Plan area while preserving the existing rural character of the Gaviota Coast.
- B. **Applicability.** The provisions of this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program) only apply to property zoned AG-II and located within the Gaviota Coast Plan area.

- C. Allowable density.** Accessory residential units shall not count toward the allowable density for purposes of determining consistency with the Coastal Land Use Plan and this Article.
- D. Actions and eligible incentives.** Table 18-4 (Actions and Eligible Incentives), below, describes the voluntary actions a landowner may take and the benefits that may be derived from taking those actions, i.e., the issuance of a permit(s) for an incentive dwelling unit.

Table 18-4 - Actions and Eligible Incentives

Category	Land Owner Action	Eligible Incentive
1	Dedicate <u>Grant</u> trail easement to County for the Coastal Trail primary route alignment shown on the Gaviota Coast Plan Parks, Recreation and Trails Map	1 attached or detached incentive dwelling unit & 1 attached incentive dwelling unit
2	Dedicate <u>Grant</u> trail easement to County for trails shown on the Gaviota Coast Plan Parks, Recreation and Trails Map other than the Coastal Trail primary route alignment	1 attached or detached incentive dwelling unit

1. ~~Dedication~~ Grant of trail easements shall comply with the following:
 - a. The easement shall be for the entire length of the planned trail that is located on the premises on which the accessory residential unit is proposed to be located.
 - b. ~~An irrevocable offer of dedication shall be recorded by the landowner p~~Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permit) for an incentive dwelling unit that may be allowed ~~based on the dedication of a trail easement~~ the landowner shall execute and record a document granting to the County of Santa Barbara, on behalf of the people of the State of California, the trail easement for public access that is 25 feet in width (unless a different width is warranted due to site constraints) along the length of the trail alignment on the landowner's premises.
 - 1) ~~Said offer~~The recorded document shall include, at a minimum, a description of the purpose of the easement and a legal description and a map drawn to scale of both the landowner's entire premises and of the proposed easement area. The recorded document shall provide that the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement, and that any development or obstruction in the trail easement area is prohibited (except for trail construction-related development that is authorized by the County). The grant of easement shall (a) be recorded free of prior liens and any other encumbrances which the County or Executive Director of the California Coastal Commission determines may affect the interest being conveyed, and (b) run with the land in favor of the People of the State of California, binding all successors and assignees.
 - 2) ~~Said offer~~The form and content of the easement document shall be subject to review and approval by the Department, and the County Counsel, and the Executive Director of the California Coastal Commission. A copy of the permit conditions, findings of approval, and drafts of the legal documents proposed to implement the grant of trail easement condition shall be forwarded to the Coastal Commission for review and approval prior to the issuance of the permit consistent with 14 California Code of Regulations Section 13574.
2. The dedicated trail shall not be required to be constructed and opened to public use until the County is ready to construct, operate, and maintain the trail for public use.

- E. Requirements and development standards for incentive dwelling units.** All incentive dwelling units allowed in compliance with this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program) shall comply with the following requirements and development standards. Where there are conflicts between the standards of this Section 35-470 (Gaviota Coast Plan Area Land Use Incentive Program), the standards in Section 35-119 (Accessory Structures),

and the standards in the specific zone regulations (Division 4. Zoning Districts), the provisions of this Section shall prevail unless indicated otherwise. The review authority may add other conditions, consistent with general law and applicable State and County standards as necessary to preserve the health, safety, welfare, and character of the agricultural area.

1. **Accessory to the principal dwelling.** The lot shall contain an existing one-family dwelling at the time an application for an incentive dwelling unit is submitted, or the application for the incentive dwelling unit shall be submitted in conjunction with the application for the principal dwelling. The incentive dwelling unit shall not be occupied before occupation of the principal dwelling.
2. **Amenities.** An incentive dwelling unit shall have a separate entrance and shall include permanent provisions for cooking, eating, living, sanitation and sleeping.
3. **Application requirements.** A permit application for an incentive dwelling unit shall include the following information in addition to that information required within Section 35-57A (Application Preparation and Filing):
 - a. A floor plan drawn to scale of the principal dwelling and the incentive dwelling unit(s).
 - b. Documentation verifying the principal dwelling is owner-occupied.
 - c. The proposed method of water supply and sewage disposal for the incentive dwelling unit(s).
4. **Conversion of existing structures.** An existing, legal ~~agricultural employee dwelling or~~ guesthouse that conforms with Section 35-120 (Guesthouses, Artist Studios, or Pool House/Cabaña) and was constructed prior to [effective date of this ordinance] may be converted to an incentive dwelling unit.
 - a. ~~An existing, legal agricultural employee dwelling that is converted to an incentive dwelling unit may be replaced with a new agricultural employee dwelling in compliance with Section 35-144R (Agricultural Employee Dwellings).~~
 - b. ~~An existing, legal guest house that is converted to an incentive dwelling unit may be replaced with a new guest house in compliance with Section 35-120 (Guesthouses, Artist Studios, or Pool House/Cabaña) provided that there is no more than one guesthouse located on the premises.~~
 - eb. If the existing, legal ~~agricultural employee dwelling or~~ guest house that is proposed to be converted to an incentive dwelling unit is subject to a recorded Notice to Property Owner, then following the effective date of the required planning permit and prior to the use of the ~~agricultural employee dwelling or~~ guest house as an incentive dwelling unit the Department shall prepare and the property owner shall record a Notice to Property Owner that documents specific conditions and/or restrictions, if any, that apply to use of the structure as an incentive dwelling unit and supersedes the specific conditions and/or restrictions included in the previous Notice to Property Owner.
 - d. ~~A detached incentive dwelling unit that results from the conversion of an existing, legal agricultural employee dwelling may exceed the applicable maximum gross floor area limit provided no building additions or alterations shall be allowed that results in an increase in the gross floor area in excess of that which existed prior to [effective date of this ordinance].~~
5. **Height limit.**
 - a. ~~**Attached incentive dwelling units.** An attached incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the incentive dwelling unit. An~~

~~exception to this height limit may be granted when the portion of a proposed incentive dwelling unit that would exceed this height limit is wholly contained within an existing structure.~~

An incentive dwelling unit shall be in compliance with the following height limits as applicable. However, these height limits may be exceeded when the portion of the incentive dwelling unit that would exceed these height limits is located within:

- 1) The existing space of a single-family dwelling or an accessory building.
- 2) A proposed addition to an existing building and increased height is necessary to allow the roofline of the addition to match the roofline of the existing building that is being added to.

b. ~~Detached incentive dwelling units.~~ ~~A detached incentive dwelling unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached incentive dwelling unit connected to a detached accessory structure may be permitted provided:~~

- ~~1) The height of the incentive dwelling unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the incentive dwelling unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the incentive dwelling unit, and~~
- ~~2) The height of the entire structure does not exceed 25 feet.~~

Attached incentive dwelling units. Except as allowed in compliance with Subsection 5.a, above, the height of an attached incentive dwelling unit shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

c. Detached incentive dwelling units.

1) Connected to a detached accessory structure.

a) Located above or below another floor. The height of a structure that contains an incentive dwelling unit in addition to another accessory use, where the incentive dwelling unit is located either above or below the other accessory use, shall not exceed a height of 25 feet as determined in compliance with Section 35-127 (Height).

b) Not located above or below another floor. Except as allowed in compliance with Subsection 5.a, above, the height of an incentive dwelling unit that is not located above or below another floor shall not exceed a vertical distance of 16 feet as determined in compliance with Section 35-127 (Height).

2) Not connected to a detached accessory structure. The height of an incentive dwelling unit that is not connected to another structure shall not exceed a height of 16 feet as determined in compliance with Section 35-127 (Height).

ed. Locations within the CVC Overlay. ~~If the~~ Notwithstanding the above, if a structure that includes an incentive dwelling unit is proposed to be located on a lot zoned with the CVC (Critical Viewshed Corridor) overlay district and located south of Highway 101, then the height of the structure that includes the incentive dwelling unit shall not exceed 15 feet as measured in compliance with Section 35-127 (Height)~~Subsections E.5.a. and b., above,~~ unless the portion of the incentive dwelling unit that would exceed this height limit is located within the existing space of an existing, legal structure

~~an increase in height that complies with Subsections E.5.a. and b., above, is approved by the Board of Architectural Review in compliance with Section 35-102G (CVC—Critical Viewshed Overlay District).~~

- 6. Location of detached incentive dwelling unit.** A detached incentive dwelling unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone. Additionally, except for the conversion of ~~agricultural employee dwellings and~~ guest houses allowed in compliance with Subsection E.4 (Conversion of existing structures), above, that existed prior to *[effective date of this ordinance]*, detached incentive dwelling units shall be clustered with the principal dwelling unit.
- For the purposes of this Subsection E.6., clustered means the principal dwelling unit and the detached incentive dwelling unit, including all structures accessory thereto, shall be located within a single continuous building envelope.
 - The clustered building envelope shall ~~minimize~~ avoid "barbell," "finger," and "peninsula" type configurations to ensure, to the maximum extent feasible, that the development minimizes intrusion into agricultural areas and maximizes clustering of residential and accessory structures in order to preserve productive agricultural lands.
- 7. Maximum and minimum gross floor area requirements.**
- Maximum gross floor area.**
 - Attached incentive dwelling units.** The maximum gross floor area of attached incentive dwelling units shall not exceed 1,200 square feet.
 - Detached incentive dwelling units.** ~~Unless allowed in compliance with Subsection I.I.e.(4)(d), above, the~~ The maximum gross floor area of a detached incentive dwelling unit shall not exceed the standards for the specified gross lot area shown in Table 18-5 (Maximum Gross Floor Area Gaviota Coast Plan Area) below.

Table 18-5 - Maximum Gross Floor Area Gaviota Coast Plan Area

Lot Area (gross)	Maximum Floor Area (gross)
Less than 40 acres	1,200 square feet
40 acres to less than 100 acres	1,600 square feet
100 acres and above	2,000 square feet

- Minimum gross floor area.** The minimum gross floor area of an incentive dwelling unit shall be 300 square feet.
 - Measurement of gross floor area.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the incentive dwelling unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the incentive dwelling unit.
- 8. Maximum number of incentive dwelling units.**
- A maximum of two incentive dwelling units consisting of one attached incentive dwelling unit and one attached or detached incentive dwelling unit may be allowed on a premises that qualifies under Category 1 in Table 18-4 (Actions and Eligible Incentives), above.
 - A maximum of one attached incentive dwelling unit or one detached incentive dwelling unit may be allowed on a premises that qualifies under Category 2 in Table 18-4 (Actions and Eligible Incentives), above.
 - In no case shall more than two incentive dwelling units be approved on a premises that has both coastal trail primary and secondary routes depicted on the PRT maps.
- 9. Parking requirements.** In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the incentive dwelling unit is located on for each sleeping room in the incentive dwelling unit. The

additional parking shall be provided as specified in ~~the base zone~~ Section 35-460 (Permit Requirements and Development Standards for Specific Land Uses in the AG-II Zone) and in Division 96 (Parking Regulations).

- 10. Notification of occupants.** The owner shall provide notification to the occupants of an incentive dwelling unit that the residence is located on and adjacent to property zoned and used for agriculture and that inconvenience or discomfort from properly conducted agricultural operations, including noise, dust, odors, and chemicals, shall not be deemed a nuisance.

11. Private and public services.

- a. Where public water service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
 - 1) If the principal dwelling is currently served by a public water district or mutual water company, not subject to moratorium for new connections, then an incentive dwelling unit shall also be served by the appropriate public water district or mutual water company.
 - 2) If the principal dwelling is currently served by a water district or mutual water company subject to a moratorium for new connections, or if the existing service is by a private water system and if the property is not located in an overdrafted water basin, then an incentive dwelling unit may be served by ~~a~~ the same private water system subject to review and approval by the Public Health Department or State as applicable.
- b. Where public sewer service is available, an incentive dwelling unit shall be required to be served by the appropriate district.
 - 1) For the purposes of this Subsection E.11.a, public sewer service may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. (California Plumbing Code Section 713.4)
- c. An incentive dwelling unit proposed to be served by an onsite wastewater treatment system shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an onsite wastewater treatment system.

12. Residency of lot owner.

- a. The owner of the lot (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner) shall reside on said lot, in either the principal dwelling or in an incentive dwelling unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Coastal Development Permit in compliance Section 35-169 (Coastal Development Permits), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.
- b. Upon transfer of ownership of the property, the new owner shall reside on the property or the use of a structure or portion thereof as an incentive dwelling unit shall be discontinued and the structure shall be:
 1. If attached to the principal dwelling, converted into a portion of the principal dwelling; or,
 2. If it is a detached structure, removed or converted into a legal accessory structure.

13. Sale and subdivision.

- a. An incentive dwelling unit shall not be financed, sold or transferred separately

from the principal dwelling.

- b. Upon approval of an incentive dwelling unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot in compliance with:
 1. The Coastal Land Use Plan including the Gaviota Coast Plan designation.
 2. This Article including Division 4 (Zoning Districts).
 3. Subsection E.11.c., above, if an incentive dwelling unit is proposed to be served by an onsite wastewater treatment system following the subdivision.

F. Additional findings. In addition to the findings required in compliance with Section 35-169 (Coastal Development Permits), before the approval of a permit for a detached incentive dwelling unit the Director shall make all of the following findings:

1. The incentive dwelling unit is incidental and subordinate to the primary agricultural use of the lot.
2. The incentive dwelling unit ~~does not adversely affect the onsite or adjacent agricultural operations~~ has been sited and designed to avoid prime agricultural soils and maintain the long-term productivity of the site's agricultural resources and operation.
3. The incentive dwelling unit is compatible with and does not substantially alter the rural, agricultural character of the area.

...

Section 35-480. Economically Viable Use.

If an applicant asserts that the application of the policies and standards contained in the Local Coastal Program regarding use of property within the Gaviota Coast Plan area would constitute a taking of private property without just compensation, the applicant shall apply for an economic viability determination in conjunction with the associated Coastal Development Permit application and shall be subject to the provisions of this section.

A. Economically Viable Use Determination. The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and economic viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

1. The date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection 4 above, that applied to the property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.

10. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
12. Any additional information that the County requires to make the determination.

B. Supplemental Findings for Approval of Coastal Development Permit. A Coastal Development Permit that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 35-169 (Coastal Development Permits):

1. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.
2. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.
3. The use proposed by the applicant is consistent with the applicable zoning.
4. The use and project design, siting, and size are the minimum necessary to avoid a taking.
5. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.
6. The development will not be a public nuisance or violate other "background principles of the State's law of property," as that phrase was used in the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.