

DIVISION 11.

PERMIT PROCEDURES.

Sec. 35-169. Coastal Development Permits.

Sec. 35-169.1. Purpose and Intent.

This Section establishes procedures and findings for the issuance and effective time periods for Coastal Development Permits in the Coastal Zone. The intent of this section is to enable the Planning and Development Department to ensure that development proposals are in conformity with the provisions of this Article and the Comprehensive Plan, including the Coastal Land Use Plan and to provide public hearing opportunities for certain projects either located within a Geographic Appeals area or constituting a Major Public Works project.

Sec. 35-169.2. Applicability. (Amended by Ord. 4318, 6/23/98)

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued, unless other regulations of this Article specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.

(Amended by Ord. 4227, 6/18/96)

The following activities shall be exempt from the issuance of a Coastal Development Permit: *(Amended by Ord. 3974, 2/21/92; Ord. 4227, 6/18/96)*

- a. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities (see Sec. 35-169.10.)

- b. Except when a fence or wall obstructs public access to the beach, fences and walls of six feet or less and gate posts of eight (8) feet or less in height located within front yard setback areas. Fences and walls of eight (8) feet or less in height and gate posts of ten (10) feet or less in height located outside of front yard setback areas and not closer than twenty (20) feet to the right-of-way line of any street. *(Amended by Ord. 3974, 2/21/92)*
- c. Installation of irrigation lines, not otherwise requiring a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 4227, 6/18/96)*
- d. Installation, testing, placement in service, or the replacement of any necessary utility connection between an existing service facility and any development that has been granted a Coastal Development Permit (see Sec. 35-169.10). *(Amended by Ord. 4227, 6/18/96)*
- e. Buildings or structures having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department. *(Amended by Ord. 4227, 6/18/96)*
- f. The addition of solar collection systems to existing buildings or structures.
- g. Grading, excavation, or fill which does not require a Grading Permit pursuant to Chapter 14 of the Santa Barbara County Code. *(Amended by Ord. 3974, 2/21/92; Ord. 4227, 6/18/96)*
- h. Lot line adjustments not resulting in an increase in the number of lots.
- i. Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (PRC Sec. 30519) *(Amended by Ord. 3832, 3/20/90; Ord. 4227, 6/18/96)*
- j. The following improvements and structures shall be exempt provided that the parcel on which they are located is not within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or not within or contiguous to an Environmentally Sensitive Habitat (ESH) area: *(Amended by Ord. 3974, 2/21/92)*
 - i. Decks, platforms, walks, and driveways which do not require a Grading Permit pursuant to Chapter 14 of the County Code and are

- not over thirty (30) inches above grade and not over any basement or story below. *(Amended by Ord. 3832, 03/20/90; Ord. 3974, 2/21/92)*
- ii. Skylights, windows, and doors.
 - iii. Window awnings that are supported by an exterior wall and project no more than 54 inches from such exterior wall.
 - iv. Spas, hot tubs and fish ponds that do not exceed 120 sq. ft. of total development, including related equipment, or contain more than 2,000 gallons of water.
 - v. One-story detached accessory buildings used as tool and storage sheds, playhouses, gazebos, pergolas and similar uses, provided such buildings or structures do not exceed twelve (12) feet in height, the roof area does not exceed 120 square feet, and no plumbing or electrical work is required. *(Amended by Ord. 4227, 6/18/96)*
 - vi. Retaining walls (retaining earth only) which are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not require a Grading Permit pursuant to Chapter 14 of the County Code.
 - vii. Structures and related development required for temporary motion picture, television and theater stage sets and scenery, and still photographic sessions, provided that such development does not require alterations of the natural environment such as removal of vegetation, grading or earthwork.
 - viii. In the RR, A-I, and A-II districts, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and have no plumbing or electrical facilities.
 - k. Propane tanks located in residential or agricultural zone districts. *(Added by Ord. 4067, 8/18/92)*
 - l. Performance testing and installation of dry wells, except for lots in designated Special Problem Areas for sewage disposal. *(Added by Ord. 4084, 12/15/92)*

- m. Seismic retrofits to existing structures. Seismic retrofits are limited to the addition of foundation bolts, hold-downs, lateral bracing at cripple walls, and other structural elements required by County Ordinance 4062. The seismic retrofits shall not increase the gross square footage of the structure, involve exterior alterations to the structure, alter the footprint of the structure, nor increase the height of the structure. *(Added by Ord. 4227, 6/18/96)*
- n. Pursuant to the intent of 30610 (g) of the Public Resources Code and this Article, the restorations or reconstruction of conforming buildings or structures, other than a public works facility, damaged or destroyed by a disaster, as determined by Planning and Development. For the purposes of this Section only, disaster shall be defined as any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owners. The restored or replaced structure shall conform to all provisions of the zone district requirements (including permitted uses), shall be for the same use, shall be in the same footprint location, shall not exceed either the floor area, height, or bulk of the damaged or destroyed structure by more than ten (10) percent. For the purposes of this Section only, the definition of structure shall include landscaping and any erosion control structure or device; and bulk shall be defined as total interior cubic volume as measured from the exterior surface of the structure. If the Planning and Development Department determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure, shall be subject to the provisions of Section 35-184., Board of Architectural Review, if otherwise subject to such review (e.g., the site is within the D-Design Control Overlay District). *(Added by Ord. 4227, 6/18/96)*
- o. Ground or roof mounted receive only satellite dish and wireless television antenna one (1) meter in diameter or less which is used solely by the occupants of the property on which the antenna is located for the non-commercial, private reception of communication signals (e.g., television). *(Added by Ord. 4263, 6/24/97)*

- p. Interior alterations that do not result in an increase in the gross floor area within the structure, do not increase the required number of parking spaces, or do not result in a change in the permitted use of the structure.
 - q. Recordation of a Final or Parcel map following an approved tentative map,
2. For buildings and structures that do not otherwise require a discretionary permit and are 20,000 or more square feet in size or are attached or detached additions that when together with existing buildings and structures total 20,000 square feet or more, a Development Plan as provided in Section 35-174. (Development Plans) shall be required prior to issuance of a Coastal Development Permit.

Sec. 35-169.3. Contents of Application.

(Amended by Ord. 4227, 6/18/96)

As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include:

- 1. A site plan which shall indicate clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.
 - c. Lot dimensions and boundaries.
 - d. All proposed and existing buildings and structures and their locations, size, height, and use.
 - e. Distance from proposed structure(s) to property lines, centerline of the street or alley and other existing structures on the lot.
 - f. Walls and fences: location, height and materials.
 - g. Name and widths of streets (right-of-way) abutting the site.
 - h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
 - i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
 - j. Signs: location, size, height and method of illumination.
 - k. Loading zones: location, dimensions, number of spaces.
 - l. Lighting: general nature, locations and hooding devices.

- m. Proposed street dedications and improvements.
 - n. Landscaping, if required.
 - o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
 - p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.
 - 3) Total number of employees.
 - q. All easements.
2. Source of water supply including a can and will serve letter from a public or private water district.
 3. Any other information that the Planning and Development Department may require.

Sec. 35-169.4. Processing.

(Amended by Ord. 3483, 1/14/85; Ord. 4227, 6/18/96)

1. The Planning and Development Department shall review the Coastal Development Permit application for conformance with the Comprehensive Plan including the Coastal Land Use Plan, this Article, and other applicable regulations. Applications for development within a Geographic Appeals Area may be subject to the requirements of Section 35-169.11., in addition to the provisions of this Section.
2. The application shall be deemed accepted unless the Planning and Development Department finds the application incomplete and notifies the applicant of incompleteness by mail within five working days of receipt of the application. However, in the case of a Coastal Development Permit subject to the additional requirements of Section 35-169.5. (Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.) this time period shall instead be thirty (30) calendar days after the Planning and Development Department's acceptance of the application for processing.
3. The decision of the Planning and Development Department on the approval or denial of Coastal Development Permits, not subject to the additional requirements of Section 35-169.5. (Special Processing for Coastal Development Permits within a

Geographic Appeals Area or for a Major Public Works Project) shall be final, subject to appeal as provided in Sec. 35-182. (Appeals).

4. A Coastal Development Permit shall not be issued until all other necessary prior approvals have been obtained.
5. In the case of a development which requires a public hearing and final action by the Planning Commission or Zoning Administrator, or final action by the Director, any subsequently required Coastal Development Permit shall not be approved or issued within the ten (10) calendar days following the date that the Planning Commission, Zoning Administrator, or Director took final action, during which time an appeal of the action may be filed in accordance with Sec. 35-182.3. (Appeals).
6. In the case of a development which is heard by the Board of Supervisors on appeal, or which otherwise requires a public hearing and final action by the Board of Supervisors and is appealable to the Coastal Commission, the Coastal Development Permit shall not be approved or issued within the ten (10) working days following the date of receipt by the Coastal Commission of the County's notice of final action during which time an appeal may be filed in accordance with Sec. 35-182.4. (Appeals).
7. If a Coastal Development Permit is requested for property subject to a Resolution of the Board of Supervisors initiating a rezoning or amendment to this Article, a Coastal Development Permit shall not be approved or issued while the proceedings are pending on such rezoning or amendment, unless the proposed uses, buildings or structures would conform to both the existing zoning and existing provisions of this Article, and the said rezoning or amendment initiated by the Board of Supervisors, or unless a Preliminary or Final Development Plan was approved by the County before the adoption of said resolution.
8. In lands zoned MON, Coastal Development Permits shall include a specific written condition that requires all development be in conformance with approved plans.
9. Prior to approval of a Coastal Development Permit, the Planning and Development Department, or final decision-maker, shall establish a date for posting of public notice and commencement of the appeal period, pursuant to Sections 35-181.

(Noticing) and 35-182. (Appeals). If no such date is identified, the required date of posting notice shall be the first working day following the date of approval of the Coastal Development Permit.

10. A Coastal Development Permit shall not be deemed effective prior to any applicable appeal period expiring, or if appealed, prior to final action by the decision-maker on the appeal, pursuant to Section 35-182. (Appeals). No entitlement for such use or development shall be granted prior to the effective date of the Coastal Development Permit.

*Sec. 35-169.5. Special Processing for Coastal Development Permits within a Geographic Appeals Area or for a Major Public Works Project.
(Added by Ord. 4227, 6/18/96)*

A Coastal Development Permit application under the Permitted Uses section of any Zone District for a) a project located in a Geographic Appeals Area (as shown on the County Appeals Map), or b) a Major Public Works project, where a public hearing is not otherwise required, shall be subject to the following requirements, in addition to those listed in Section 35-169.4, above:

1. After accepting the application for processing, the Planning and Development Department shall process the project through environmental review.
2. For residential structures on lots adjacent to the sea, the application shall be referred to the Board of Architectural Review.
3. The Zoning Administrator shall hold at least one noticed public hearing, unless waived, on the requested Coastal Development Permit and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing). The Zoning Administrator's action shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182. (Appeals). The requirement for a public hearing for a project located in a Geographical Appeals area may be waived by the Director, pursuant to Sec. 35-169.11. If such hearing is waived, the Zoning Administrator shall still be the decision-maker for the Coastal Development Permit.
4. An approval of a Coastal Development Permit by the Zoning Administrator shall be valid for one year. Prior to the expiration of the approval, the Zoning

Administrator may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required pursuant to Section 35-169.6., can still be made. A Coastal Development Permit approved pursuant to this Section shall not be considered to be in effect and shall not be issued until a) all conditions and provisions which are required to be complied with prior to issuance of the permit are complied with, b) the applicant has signed the Coastal Development Permit, and c) the applicable appeals period has expired or if appealed, final action has been taken on the appeal by the appropriate body, either the County or the California Coastal Commission. *(Amended by Ord. 4298, 3/24/98).*

Sec. 35-169.6. Findings Required for Approval of a Coastal Development Permit.
(Amended by Ord. 4227, 6/18/96)

1. A Coastal Development Permit, not subject to Section 35-169.5., above, shall be issued only if all of the following findings are made:
 - a. That the proposed development conforms to 1) the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article and/or the project falls within the limited exception allowed under Section 35-161.7.
 - b. That the proposed development is located on a legally created lot.
 - c. That the subject property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under § 35-160 et seq.

2. A Coastal Development Permit, subject to Section 35-169.5., above, shall only be issued if all of the following findings are made:
 - a. Those findings specified in Section 35-169.6.1.
 - b. That the development does not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. That the development is compatible with the established physical scale of the area.

- d. That the development is in conformance with the public access and recreation policies of this Article and the Coastal Land Use Plan.

Sec. 35-169.7. Expiration.

(Amended by Ord. 4227, 6/18/96)

1. A Coastal Development Permit shall remain valid only as long as all provisions of this Article and the Permit are met.
2. A Coastal Development Permit shall expire two (2) years from the date of issuance if the use, building, or structure for which the permit was issued has not been established or commenced in conformance with the effective permit.
3. Prior to the expiration of such two (2) year period, the Director may extend such period one time for one additional year for good cause shown, provided that the findings for approval required pursuant to Section 35-169.6., as applicable, can still be made.

Sec. 35-169.8. Coastal Commission Changes to the County Action on Coastal Development Permit.

(Amended by Ord. 4227, 6/18/96)

Where an appeal has been filed with the Coastal Commission as provided for under Sec. 35-182.4. (Appeals) and the Coastal Commission has reversed or modified the action of the County on the Coastal Development Permit, the action of the Coastal Commission on the Coastal Development Permit is final. If the County has approved the Coastal Development Permit, any previously approved County project permits shall be automatically amended to conform to the Coastal Commission's approved Coastal Development Permit for the project or automatically terminated to conform to the Coastal Commission's disapproval of the Coastal Development Permit.

If the County has disapproved the Coastal Development Permit and the Coastal Commission approved the permit, the applicant must reapply to the County for approval of the other required but previously denied project permits (i.e., Development Plan, C.U.P.) in order for the County to impose appropriate conditions. However, the County's action on said re-applications must be consistent with the approved Coastal Development Permit. In the case where the Coastal Commission has imposed appropriate conditions on the Coastal Development Permit as determined by the Subdivision/Development Review Committee, the Director may waive this reapplication requirement.

Sec. 35-169.9. Revocation.

(Amended by Ord. 3596, 10/6/86; Ord. 4227, 6/18/96)

Issuance of the Coastal Development Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all such conditions, the Director may revoke this Permit and all authorization for development. Written notice of such Revocation shall be provided to the permittee. The decision of the Director to revoke the Coastal Development Permit may be appealed to the Planning Commission, as provided in Sec. 35-182.

Sec. 35-169.10. County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development.

(Amended by Ord. 3596, 10/6/86)

The County hereby adopts by reference and incorporates herein the "County Guidelines on Repair and Maintenance, and Utility Connections to Permitted Development," as related to Sec. 35-169.2., paragraphs 1 and 4 and approved by the Board of Supervisors as a separate document. Said guidelines may be obtained from the Planning and Development Department. *(See Appendix C of this publication).*

Sec. 35-169.11. Waiver of Public Hearing Requirement.

(Added by Ord. 4227, 6/18/96)

1. For the purposes of this Section, "minor development" means a development which the Director determines satisfies all of the following requirements:
 - a. The development is consistent with the Local Coastal Program (as defined in Public Resources Code Section 30108.6) of the County of Santa Barbara.
 - b. The development does not require any discretionary approvals other than a Coastal Development Permit.
 - c. The development would have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
2. The requirement for the public hearing for an application for a Coastal Development Permit, pursuant to Section 35-169.5., may be waived for a "minor development" (as defined in Section 35-169.11) by the Planning and Development Department only if both of the following occur:

- a. Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- b. No written request for public hearing is received by the Planning and Development Department within fifteen (15) working days from the date of sending the notices pursuant to Section 35-169.11.2.a.
3. The notice provided pursuant to Section 35-169.11.2.a shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the County of Santa Barbara on the Coastal Development Permit application to the County of Santa Barbara and the California Coastal Commission.
4. A listing of pending Coastal Development Permit applications for which the public hearing may be waived shall be provided on the Zoning Administrator Hearing agendas.

Sec. 35-169.12. Minor Changes to Coastal Development Permits.

(Added by Ord. 4227, 6/18/96)

Minor changes to an approved or issued Coastal Development Permit shall be allowed provided that the changes materially conform with the approved or issued permit. Such requests shall be processed as follows:

1. The Planning and Development Department may approve a minor change (e.g., interior alterations to the structure) to an approved or issued Coastal Development Permit subject to all of the following:
 - a. The Department determines that the minor change materially conforms with the approved plans and the originally approved or issued permit,
 - b. There is no change in the use or scope of the development,
 - c. The minor change does not result in a change to the Planning and Development Department's conclusions regarding the project's specific conformance to development standards and findings, and
 - d. The Coastal Development Permit has not expired.

- e. The minor change is exempt from review by the Board of Architectural Review, pursuant to Section 35-184.3.
2. Where a minor change of an approved or issued Coastal Development Permit is approved, such permit shall have the same effective and expiration dates as the original Permit and no additional public notice shall be required.
3. The determination to allow a minor change to an approved or issued Coastal Development Permit, *not defined as an Appealable Development under Section 35-58 of this Article (Definitions)*, shall be final and not appealable.

Where it cannot be determined that the minor change materially conforms to an approved or issued Coastal Development Permit, subject to the above criteria, a new Coastal Development Permit shall be required.

Sec. 35-170. Reserved for Future Use

Sec. 35-171. Emergency Permits.

Sec. 35-171.1. Purpose and Intent.

The purpose of this section is to establish procedures for the issuance of Emergency Permits. The intent of this section is to alter the procedures for permit processing, and the permit requirements of this Article, in the case of an emergency. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-171.2. Applicability

When emergency action by a person or public agency is warranted, the requirements of obtaining a Coastal Development Permit otherwise required by this Article may be temporarily deferred by the Director, and the Director may grant an Emergency Permit prior to a Coastal Development Permit or other required discretionary permit.

(Amended by Ord. 4227, 6/18/96)

Sec. 35-171.3. Application Procedures.

1. Method: Applications in cases of emergencies shall be made to the Director by letter if time allows, and by telephone or in person if time does not allow.
2. Information required: Applications should contain the following information:
 - a) The nature of the emergency;
 - b) The cause of the emergency; *(Amended by Ord. 4227, 6/18/96)*
 - c) The location of the emergency;
 - d) The remedial, protective, or preventive work required to deal with the emergency;
 - e) Where applicable, the circumstances during the emergency that appeared to justify any course(s) of action undertaken, including a description of that course of action and the probable consequences of failing to take action;
 - f) The identities of other public agencies alerted to the emergency;
 - g) The access routes to the emergency site(s);
 - h) The identities of, and means of contact with, the individual(s) directing the emergency action;
 - i) Disclosure of whether or not the applicant has made any prior or concurrent request to the California Coastal Commission for an emergency waiver of permit requirements pursuant to Public Resources Code Section 30611; and

- j) Any other reasonable information which the Director deems necessary to evaluate the application.

Sec. 35-171.4. Verification of Emergency.

(Amended by Ord. 4227, 6/18/96)

The Director shall verify the facts, including the existence and nature of the emergency, prior to granting the Emergency Permit.

Sec. 35-171.5. Procedure for Granting Permit.

(Amended by Ord. 4227, 6/18/96)

1. A public notice of the emergency work shall be mailed to property owners within 300 feet of the subject property and residents within 100 feet of the subject property and such notice shall be posted in three locations on the project site. Notice is not required to precede commencement of emergency work. *(Amended by Ord. 4318, 6/23/98)*
2. The Director may grant an Emergency Permit upon reasonable terms and conditions, including an expiration date, a requirement for a subsequent Coastal Development Permit, and a requirement for any discretionary permit required by this Article, if the Director finds that:
 - a. An emergency exists and requires action more quickly than provided for by the procedures for permit processing, and the action will be completed within 30 days unless otherwise specified by the terms of the permit; and
 - b. Public comment on the proposed emergency action has been reviewed; and
 - c. The action proposed is consistent with the requirements of the Coastal Land Use Plan and Coastal Zoning Ordinance.
3. The issuance of an Emergency Permit shall not constitute an entitlement to the erection of permanent structures. An application for a Coastal Development Permit and any discretionary permit required by this Article shall be made no later than 30 days following the granting of an Emergency Permit; any materials required for a completed application shall be submitted within 90 days after the issuance of the emergency permit, unless this time period is extended by the Planning and Development Department. *(Amended by Ord. 4094, 4/6/93; Ord. 4227, 6/18/96)*

EMERGENCY PERMIT

4. The Director shall not issue an Emergency Permit for any work that falls within the provisions of Public Resources Code Section 30519(b) or is in conflict with the provisions of PRC Section 30624.

Sec. 35-171.6. Reporting Requirements of the Director.

1. The Director shall report, in writing, to the California Coastal Commission and to the Board of Supervisors at its first scheduled meeting after the Emergency Permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.
2. The report of the Director shall be informational only; the decision to issue an Emergency Permit is solely at the discretion of the Director subject to the provisions of Sec. 35-171. et seq.

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Sec. 35-172. Conditional Use Permits.***Sec. 35-172.1. Purpose and Intent.***

The purpose of this section is to provide for uses that are essential or desirable but cannot be readily classified as principal permitted uses in individual districts by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this section is to provide the mechanism for requiring specific consideration of these uses.

Sec. 35-172.2. Applicability.

The provisions of this section shall apply to those uses listed below under Sec. 35-172.4 & .5., and those uses listed in the "Uses Permitted with a Conditional Use Permit" section of the various zone districts, Division 8, Services, Utilities and Other Related Facilities and Division 9, Oil and Gas Facilities. *(Amended by Ord. 4084, 12/15/92)*

Sec. 35-172.3 Jurisdiction.

(Amended by Ord. 4227, 6/18/96)

1. The Zoning Administrator shall have jurisdiction for all Minor Conditional Use Permits and the Planning Commission shall have jurisdiction for all Major Conditional Use Permits.

Sec. 35-172.4. Minor Conditional Use Permits.

The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-172.9 (Findings). *(Amended by Ord. 4263, 6/24/97)*

1. Fences and walls of more than six (6) feet and gate posts of more than eight (8) feet in height when located within the front yard setback or when located within the side yard setback and closer than twenty (20) feet to the right-of-way of any street. Within areas of the side yard setback that are more than twenty (20) feet from the right-of-way of any street or within the rear yard setback, fences and walls of more than eight (8) feet and gateposts of more than ten (10) feet in height. *(Amended by Ord. 3975, 2/21/92).*
2. Special Care Homes.
3. Sale of agricultural products grown on the premises, subject to the provisions of Section 35-172.12.9. *(Amended by Ord. 3448, 6/18/84)*
4. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article. *(Amended by Ord. 3975, 2/21/92)*
5. Communication facilities, as specified in and governed by Sec. 35-144F. *(Added by Ord. 4263, 6/24/97)*
6. Child care facilities, as defined in Section 35-58, Definitions. *(Added by Ord. 4318, 6/23/98)*
7. Uses, buildings, and structures accessory and customarily incidental to the above uses. *(Added by Ord. 4086, 12/15/92)*

Sec. 35-172.5. Major Conditional Use Permits.

The following uses may be permitted provided the Planning Commission can make the findings set forth in Section 35-172.9 (Findings). *(Added by Ord. 4263, 6/24/97)*

1. Except for the AG-I, AG-II, Residential Ranchette and Resource Management Districts, the following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit.
 - a. Clinics
 - b. Club
 - c. Conference center
 - d. Country clubs
 - e. Hospitals, sanitariums nursing homes, and rest homes.
 - f. Library
 - g. Mausoleum
 - h. Mortuary, crematory or funeral home
 - i. Museum

2. The following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit *(Amended by Ord. 4084, 12/15/92)*.
 - a. Airstrip - temporary
 - b. Cemetery
 - c. Church
 - d. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Sec. 35-172.11.
 - e. Educational facilities, not including child care facilities. *(Amended by Ord. 4318, 6/23/98)*
 - f. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint).
 - g. Extraction and processing of natural, carbonated or mineral waters for sale including but not limited to, storage, bottling and shipping operations. *(Amended by Ord. 4084, 12/15/92)*
 - h. Fairgrounds

- i. Golf courses and driving ranges
- j. Helistops
- k. Communication facilities, as specified in and governed by Sec. 35-144F.
(Amended by Ord. 4263, 6/24/97)
- l. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Sec. 35-177. (Reclamation Plans).
- m. Polo fields and playing field for outdoor sports.
- n. Rodeo
- o. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Sec. 35-172.11.
- p. Stable, commercial (including riding and boarding).
- q. Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution.
(Added by Ord. 4086, 12/15/92)

Sec. 35-172.6. Contents of Application. *(Amended by Ord. 4318, 6/23/98)*

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35-174.) as are applicable to the request.
2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-172.7. Processing.

1. After receipt of the Conditional Use Permit application, the Planning and Development Department shall process the application through environmental review.
2. The Planning and Development Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission or Zoning Administrator. *(Amended by Ord. 4227, 6/18/96)*
3. The Planning Commission or Zoning Administrator will then consider the requested Conditional Use Permit at a noticed public hearing and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing).
4. The action of the Planning Commission or Zoning Administrator shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-182.3. (Appeals). Under PRC § 30603, the issuance of a Coastal Development Permit on a conditionally permitted use is appealable to the Coastal Commission as provided in Sec. 35-182.4. (Appeals).
5. Conditional Use Permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
6. If a Revised Conditional Use Permit is required as provided in Sec. 35-172.11., it shall be processed in the same manner as the original permit. When approved by

the decision-maker, such revised permit shall automatically supersede any previously approved permit. (*Added by Ord. 4298, 3/24/98*)

Sec. 35-172.8. Findings Required for Approval.

A Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.
2. That adverse environmental impacts are mitigated to the maximum extent feasible.
3. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
6. That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.
7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.
8. That the project will not conflict with any easements required for public access through, or public use of the property.
9. That the proposed use is not inconsistent with the intent of the zone district.

Sec. 35-172.9. Time Limit.

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Coastal Development Permit authorizing such development and/or use shall be obtained. At the time of approval of a Conditional

Use Permit, a time limit shall be established within which a Coastal Development Permit must be obtained. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be eighteen (18) months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or if appealed, the date of action by the Board of Supervisors. The time limit may be extended by the decision-maker with jurisdiction over the project pursuant to the provisions of Section 35-172.11., one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration date. If the time limit expires and no extension has been granted, then the Conditional Use Permit shall be considered null and void. *(Amended by Ord. 3871, 7/17/90; Ord. 4086, 12/15/92)*

2. A Conditional Use Permit shall become null and void and be automatically revoked if the use permitted under the Conditional Use Permit is discontinued for a period of more than one year. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development prior to expiration date. *(Amended by Ord. 4086, 12/15/92)*

Sec. 35-172.10. Revocation.

If the decision-maker with jurisdiction over the project determines at a noticed public hearing pursuant to Section 35-181 (Noticing) that the permittee is not in compliance with one or more of the conditions of the Conditional Use Permit, the decision-maker with jurisdiction over the project may revoke the Conditional Use Permit or direct that the permittee apply for an Amendment or Revision pursuant to Sec. 35-172.11. *(Amended by Ord. 3887, 9/18/90; Ord. 4086, 12/15/92)*

Sec. 35-172.11. Substantial Conformity, Amendments and Revisions.

(Added by Ord. 4086, 12/15/92; Amended by Ord. 4227, 6/18/96)

Changes to a Conditional Use Permit shall be processed as follows:

1. Substantial Conformity:

The Director may approve a minor change to a Conditional Use Permit, if the Director determines that the change is in substantial conformity with the approved permit, pursuant to the County's Substantial Conformity Guidelines. No public noticing or public hearing shall be required for Substantial Conformity Determinations. The action of the Director shall be final and not appealable. A Coastal Development Permit shall be required, pursuant to the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permit, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Conditional Use Permit.

2. Amendments:

Where a change to an approved Conditional Use Permit is not in substantial conformity with the approved permit, the Director, or in the case of a Revocation hearing the decision-maker with jurisdiction over the project, may approve, or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Conditional Use Permit, providing:

- a. The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency as a part of the approved permit.
- b. All of the following additional findings can be made:
 - (1) In addition to the findings required for approval of a Conditional Use Permit set forth in this Sec. 35-172.8., the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved.
 - (2) The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for amendments to an approved Conditional Use Permit. However, notice shall be given at least ten (10) days prior to the date of the decision as provided in Sec. 35-181. (Noticing). The decision-maker may approve, conditionally approve, or deny the Amendment. *(Amended by Ord. 4298, 3/24/98)*

3. Revisions:
 - a. A Revised Conditional Use Permit shall be required for changes to an approved Conditional Use Permit where the findings set forth in Sec. 35-172.11.2. for Amendments cannot be made and substantial conformity cannot be determined.
 - b. A Revised Conditional Use Permit shall be processed in the same manner as a new Conditional Use Permit.

Sec. 35-172.12. Conditions, Restrictions, and Modifications.

(Added by Ord. 4227, 6/18/96)

1. At the time the Conditional Use Permit is approved, or subsequent Amendments or Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications and is consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article.
3. The Director, Zoning Administrator, Planning Commission or Board of Supervisors may require as a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, the preservation of trees existing on the property.

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Sec. 35-172.13. Additional Requirements.

(Amended by Ord. 4227, 6/18/96)

In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below: *(Amended by Ord. 4084, 12/15/92; Ord. 4263, 6/24/97)*

1. Mortuaries, Crematories, and Funeral Homes.

Subject to the issuance of a Conditional Use Permit, mortuaries, crematories, and funeral homes may be permitted in the following locations:

- a. Within cemeteries operating under a valid use permit;
- b. On any parcel of land abutting such a cemetery; or
- c. On property zoned to permit multiple family dwellings where such property abuts upon or is directly across the street from property zoned for industrial purposes.

In all such locations, the Planning Commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive, that adequate off-street parking space is provided for funeral procession assembly areas.

2. Handicraft Industries.

A Conditional Use permit may be issued under the provisions of this section for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions, and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed.

A Conditional Use Permit for such use may only be issued subject to the provisions of this section and to the following conditions and to any further conditions which are necessary to protect the public peace, health, safety, and general welfare, to maintain property values in the neighborhood, and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection, and neighborhood character:

- a. All manufacturing activities shall be conducted within a completely enclosed building having a total floor area which is not to exceed 2,500 square feet.
 - b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall approved by the Zoning Administrator. *(Amended by Ord. 3975, 2/21/92; Ord. 4067, 8/18/92)*
 - c. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point along the boundary of the property upon which the use is located.
 - d. The use shall create no objectionable noise or vibration.
 - e. No smoke or dust shall be created except from the heating of buildings. *(Amended by Ord. 4086, 12/15/92)*
 - f. Not more than five persons shall be employed on the premises in connection with such use.
3. Seawalls and Shoreline Structures.
- a. Seawalls shall not be permitted unless the County has determined that there are no other less environmentally damaging alternatives reasonably available for protection of existing principal structures. The County prefers and encourages non-structural solutions to shoreline erosion problems, including beach replenishment, removal of endangered structures and prevention of land divisions on shorefront property subject to erosion; and, will seek solutions to shoreline hazards on a larger geographic basis than a single lot circumstance. Where permitted, seawall design and construction shall respect to the degree possible, natural landforms. Adequate provision for lateral beach access shall be made and the project shall be designed to minimize visual impacts by the use of appropriate colors and materials.
 - b. Revetments, groins, cliff retaining walls, pipelines and outfalls, and other such construction that may alter natural shoreline processes shall be permitted when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and so as not to block lateral beach access.

4. Electrical Transmission Lines.

- a. Transmission line rights-of-way shall be routed to minimize impacts on the viewshed in the coastal zone, especially in scenic rural areas, and to avoid locations which are on or near habitat, recreational, or archaeological resources, whenever feasible. Scarring, grading, or other vegetative removal shall be repaired, and the affected areas revegetated with plants similar to those in the area to the extent safety and economic considerations allow.
- b. In important scenic areas, where above-ground transmission line placement would unavoidably affect views, undergrounding shall be required where it is technically and economically feasible unless it can be shown that other alternatives are less environmentally damaging. When above-ground facilities are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow. *(Added by Ord. 4171, 10/25/94)*

5. Drive-Through Facilities.

In considering an application for such a Conditional Use Permit, the findings in Sec. 35-172.8., shall not be used and the permit shall be granted only if the drive-through facility is found to have no greater adverse impact upon air quality than the same use without the drive-through facility.

6. Sale of agricultural products grown on the premises.

- a. This use shall not be permitted in the EX-1 Zoning District.
- b. The premises shall consist of two (2) or more contiguous acres.
- c. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed two hundred (200) square feet of sales and storage Added 1/86 area except that if the premises consist of five (5) or more contiguous acres, such building shall not exceed six hundred (600) square feet. The building or structure shall be located no closer than 20 feet to the right-of-way line of any street; this requirement shall apply in lieu of

- any other setback requirements of the zone district or the sign regulations.
Only one (1) stand shall be allowed on the premises.
- d. New structures shall be approved by the County Board of Architectural Review.
 - e. A building permit shall be obtained, if required by the Division of Building and Safety.
 - f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of article I of Chapter 35 of the Santa Barbara County Code.
 - g. A minimum of two (2) permanently maintained onsite parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
 - h. Prior to the issuance of a Coastal Development Permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653.

Sec. 35-173. Variances.

Sec. 35-173.1. Purpose and Intent.

The purpose and intent of this section is to allow variances from the strict application of the provisions of this Article where, because of exceptional conditions such as the size, shape, unusual topography, or other extraordinary situation or condition of such piece of property, the literal enforcement of this Article would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this zoning ordinance.

Sec. 35-173.2. Applicability.

1. The provisions of this section shall apply to all zone districts.
2. Where, because of unusual circumstances applicable to the lot such as size, shape, topography, location or surroundings, the strict application of the zoning regulations to land, buildings and structures would deprive such property of privileges enjoyed by other property in the vicinity with identical zoning, Variances may be granted except that:
 - a. In no case shall a Variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is situated.
 - b. In no case shall a Variance from the procedural regulations of this Article be granted.
 - c. In no case shall a Variance from the required number of parking spaces be granted as provided in Section 35-76, Medium Density Student Residential, 35-77, High Density Student Residential, and 35-102A, Single Family Restricted Overlay District.

Sec. 35-173.3. Jurisdiction.

Upon making the findings required under this section, the Zoning Administrator may approve or conditionally approve Variances to the regulations applicable to physical standards for land, buildings, and structures contained in this Article. (*Amended by Ord. 3976, 2/21/92*)

Sec. 35-173.4. Contents of Application.

As many copies of a Variance application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-173.5. Processing.

1. The Zoning Administrator shall hold at least one noticed public hearing on the requested Variance and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing).
2. The Zoning Administrator, in granting said Variance, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
3. The Zoning Administrator's action is final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182.3. (Appeals) *(Amended by Ord. 3976, 2/21/92)*

Sec. 35-173.6. Findings Required for Approval.

A Variance shall only be approved if all of the following findings are made:

1. Because of special circumstances applicable to the property, including but not limited to size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. The granting of the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. That the granting of the Variance will not be in conflict with the intent and purpose of this Article or the adopted Santa Barbara County Coastal Land Use Plan.
4. The applicant agrees in writing to comply with all conditions imposed by the County.

Sec. 35-174. Development Plans.**Sec. 35-174.1. Purpose and Intent.**

The purpose of a Development Plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review.

Sec. 35-174.2. Applicability

1. No permit shall be issued for any development, including grading, for any property subject to the provisions of this section until a Preliminary and/or Final Development Plan has been approved as provided below. *(Amended by Ord. 4086, 12/15/92)*
2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
 - a) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4318, 6/23/98)*
 - b) Where a project was legally developed without an effective Development Plan and is considered nonconforming due to the absence of a Development Plan, a Final Development Plan may be processed for such "as built" development. *(Added by Ord. 4318, 6/23/98)*
 - c) Communication facilities as specified in Sec. 35-144F. *(Added by Ord. 4263, 6/24/97)*
3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
 - a) In the Visitor Serving Commercial (CV) and Public Utilities (PU) zoning districts, Preliminary and Final Development Plans for buildings and

structures which do not exceed a total of 15,000 square feet when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site. *(Added by Ord. 4067, 8/18/92; Amended by Ord. 4318, 6/23/98)*

- b) In the Highway Commercial (CH), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Shopping Center Commercial (SC), Service Industrial Goleta (M-S-GOL), and Professional and Institutional (PI) zoning districts, Preliminary and Final Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square feet but do not exceed 15,000 square feet. *(Added by Ord. 4318, 6/23/98)*
- c) Communication facilities as specified in Sec. 35-144F. *(Added by Ord. 4263, 6/24/97)*

- 4. All Development Plans outside the jurisdiction of the Director or the Zoning Administrator shall be within the jurisdiction of the Planning Commission. *(Added by Ord. 4318, 6/23/98)*
- 5. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan. When only a Final Development Plan is filed, it shall be processed in the same manner as a Preliminary Development Plan. *(Amended by Ord. 3849, 3/23/90)*
- 6. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.

Sec. 35-174.3. Contents of Preliminary Development Plan.

- 1. Unless the Planning Commission expressly waives the requirement, an application for a rezone to any district which is subject to the regulations of this section shall include a Preliminary Development Plan as part of the application. Upon Board of Supervisors' approval of the Rezoning and the Preliminary Development Plan, the Preliminary Development Plan may be made a part of the adopting ordinance amendment placing the new zone district regulations on the property.
- 2. As many copies of a Preliminary Development Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise

specifically waived by the Director, the information submitted as part of the Preliminary Development Plan shall consist of the following:

a. A site plan of the proposed development drawn in graphic scale showing:

(Amended by Ord. 4086, 12/15/92; Ord. 4318, 6/23/98)

- 1) Gross and net acreage and boundaries of the property. *(Amended by Ord. 4318, 6/23/98)*
- 2) Location of areas of geologic, seismic, flood, and other hazards.
- 3) Location of areas of prime scenic quality, habitat resources, archeological sites, water bodies and significant existing vegetation.
- 4) Location of all existing and proposed structures, their use, and square footage of each structure.
- 5) All interior circulation patterns including existing and proposed streets, walkways, bikeways, and connections to existing or proposed arterial or connector roads and other major highways.
- 6) Location of all utilities. *(Amended by Ord. 4318, 6/23/98)*
- 7) Location and use of all buildings and structures within 50 feet of the boundaries of the property.
- 8) Location and amount of land devoted to public purposes, open space, landscaping, and recreation.
- 9) Location and number of parking spaces.
- 10) All easements.

b. A topographic map that meets Planning and Development requirements including existing natural and proposed contours. *(Amended by Ord. 4318, 6/23/98)*

c. Proposed drainage system.

d. Proposed (schematic) building elevations including building height(s) and other physical dimensions drawn in graphic scale. *(Amended by Ord. 4086, 12/15/92)*

e. Statistical information including the following:

- 1) Number and type of dwelling units in each building, i.e., single family dwelling, condominium, apartment, etc., and number of bedrooms in each unit.
 - 2) Percentage of total net land area of the property devoted to landscaping and open space.
 - 3) Parking ratio - parking spaces per building square foot, number of employees or dwelling units, whichever is applicable.
 - 4) Building coverage of the site in terms of percentage of the total net land area.
 - 5) Estimated number of potential residents in each residential category.
 - 6) Number of employees and number of proposed new employees if applicable.
 - 7) Average slopes. *(Amended by Ord. 4318, 6/23/98)*
 - 8) History of water use on the property measured in acre feet per year for the preceding ten (10) years, when available. *(Added by Ord. 4086, 12/15/92)*
- f. Aerial photograph of the property and surrounding parcels, when available. *(Added by Ord. 4086, 12/15/92)*
 - g. Demonstration of a validly created parcel and graphic configuration of such legal parcels. *(Added by Ord. 4086, 12/15/92)*
 - h. A statement of intent with respect to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, transportation, i.e., proximity to public transit or provision of bike lanes, etc.
 - i. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
 - j. If development is to occur in stages, the sequence and timing of construction of the various phases.
 - k. Proposed public access or recreational areas, trails, or streets to be dedicated to the County.

1. Any other supplementary data requested by the Planning and Development Department.

Sec. 35-174.4. Processing of Preliminary Development Plan.

1. For all development within the Coastal Zone proposed between Gaviota Beach State Park and the Santa Maria River, upon receipt of the Preliminary Development Plan, the Planning and Development Department shall transmit one copy of the plan to the Air Force Missile Flight Safety Office (WSMC-SE), USAF, Vandenberg. The Air Force may submit to the Planning and Development Department available information regarding missile debris hazards for the County to consider in reviewing the Preliminary Development Plan. Such information shall be provided to the County within thirty (30) days of the date of transmittal and the County shall immediately send a copy to the applicant.
2. After receipt of the Preliminary Development Plan, the Planning and Development Department shall process the plan through environmental review. *(Amended by Ord. 3977, 2/21/92)*
3. The Planning and Development Department shall refer the Preliminary Development Plan to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the Planning Commission, Zoning Administrator or the Director. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4227, 6/18/96).*
4. If the Preliminary Development Plan is under the jurisdiction of the Director as provided in Sec. 35-174.2, a public hearing shall not be required. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-181 (Noticing). The Director may approve, conditionally approve, approve with modifications of development standards, or deny the plan. The Director's decision shall be final, subject to appeal to the Planning Commission as provided in Section 35-182. (Appeals). *(Amended by Ord. 3977, 3/21/92; Ord. 4086, 12/15/92; Ord. 4318, 6/23/98)*
5. The Planning Commission or Zoning Administrator shall consider Preliminary Development Plans within their jurisdiction at a noticed public hearing and approve, conditionally approve, approve with modifications of development

standards, or deny the plan. The Planning Commission or Zoning Administrator action shall be final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182.3. (Appeals). *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4086, 12/15/92)*

6. If the Preliminary Development Plan is in conjunction with a rezone application, the Planning Commission shall recommend approval, conditional approval, approval with modification of the development standards, or denial to the Board of Supervisors. *(Amended by Ord. 4086, 12/15/92)*
7. If a Revised Preliminary Development Plan is required as provided in Sec. 35-174.10., it shall be processed in the same manner as the original plan. When approved by the Board of Supervisors, Planning Commission, Zoning Administrator, or Director, such revised plan shall automatically supersede any previously approved plan. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4086, 12/15/92)*

Sec. 35-174.5. Contents of Final Development Plan.

1. As many copies of the Final Development Plan as may be required shall be submitted to the Planning and Development Department. Unless specifically waived by the Director, the information submitted shall consist of the following:

(Amended by Ord. 4086, 12/15/92)

- a. All information and maps required under Sec. 35-174.3., Preliminary Development Plan submittal.
- b. Floor plans of each building indicating ground floor area and total floor area of each building.
- c. Proposed landscaping indicating type of irrigation proposed, irrigation plan indicating existing and proposed trees, shrubs, and ground cover, and delineating species, size, placement. Where the provisions of this Article require a

Landscape Plan in conjunction with proposed development the following shall apply: *(Amended by Ord. 4086, 12/15/92)*

- 1) The Planning and Development Department shall review the landscape plan and may approve or conditionally approve said plan.

Said landscape plans shall be prepared by a registered landscape Architect. *(Amended by Ord. 4086, 12/15/92)*

- 2) Prior to the issuance of the Coastal Development Permit for the development, a performance security, in an amount to be determined by the Planning and Development Department to guarantee the installation of plantings, walls, and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting shall be filed with the County, if deemed necessary by the Planning and Development Department.
- d. Description of proposed Homeowners' Association (if applicable), indicating major elements to be included in the CCR's, deeds, and restrictions and methods of open space maintenance. *(Amended by Ord. 4086, 12/15/92)*
- e. The proposed method of fulfilling all conditions of approval required on the Preliminary Development Plan.
- f. Any other supplementary data requested by the Planning and Development Department.

Sec. 35-174.6. Processing of Final Development Plans.

1. Upon receipt of the Final Development Plan, the Planning and Development Department shall process the plan through environmental review and may refer the plan to the Subdivision Committee, unless there is no change from the preliminary Development Plan.
2. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations, if necessary. "As built" Development Plans that include exterior alterations shall be subject to the provisions of Section 35-184., Board of Architectural Review. *(Amended by Ord. 3977, 2/21/92; Ord. 4318, 6/23/98)*
3. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved the Preliminary Development Plan, the Director shall review the Final Development Plan to determine that the plan is in substantial conformity with the Preliminary Development Plan, pursuant to the provisions set forth in this Section. The Director shall approve, conditionally approve, or deny the Final

Development Plan, without a public hearing. Notice shall be given ten (10) days prior to the Director's decision pursuant to Section 35-181. The Director's action shall be final subject to appeal to the Planning Commission as provided in Section 35-182 (Appeals). *(Amended by Ord. 4067, 8/18/92; Ord. 4086, 12/15/92; Ord. 4318, 6/23/98)*

4. The Director may approve minor changes to the Final Development Plan. If the Final Development Plan has any substantial changes from the Preliminary Development Plan approved by the Board of Supervisors, Planning Commission, or Zoning Administrator, the Director shall refer the Final Development Plan to the hearing body with jurisdiction (Planning Commission or Zoning Administrator) for approval. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92)*
5. When a Preliminary Development Plan has not been filed as provided in Sec. 35-174.2.3, the Final Development Plan shall be processed according to Sec.35-174.4 (Processing of Preliminary Development Plan. *(Amended by Ord. 3977, 2/21/92)*)

Sec. 35-174.7. Findings Required for Approval.

1. A Preliminary or Final Development Plan shall only be approved if all of the following findings are made:
 - a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.
 - b. That adverse impacts are mitigated to the maximum extent feasible.
 - c. That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.
 - d. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
 - e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
 - f. That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions

of this Article and/or the project falls with the limited exception allowed under Section 35-161.7. *(Amended by Ord. 4227, 6/18/96)*

- g. That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.
 - h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
 - i. Additional findings, identified in Division 15 (Montecito Community Plan Overlay District), are required for those parcels identified with the MON overlay zone. *(Added by Ord. 4196, 5/16/95)*
2. A Final or Revised Final Development Plan shall only be approved if the following additional finding is made: Such plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan except when the Planning Commission, Zoning Administrator or Director considers a Final Development Plan for which there is not a previously approved Preliminary Development Plan. In this case, the Planning Commission, Zoning Administrator or Director may consider the Final Development Plan as both a Preliminary and Final Development Plan. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4086, 12/15/92)*

Sec. 35-174.8. Conditions, Restrictions, and Modifications.

- 1. At the time the Preliminary or Final Development Plan is approved, or subsequent Amendments or Revisions are approved, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission or Board of Supervisors finds the project justifies such modifications. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4318, 6/23/98)*
- 2. As a condition of approval of any Preliminary or Final Development Plan, the Director, Zoning Administrator, Planning Commission or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the

neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92)*

3. The Director, Zoning Administrator, Planning Commission or Board of Supervisors may require as a condition of approval of any Development Plan, the preservation of trees existing on the property. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92)*

Sec. 35-174.9. Time Limit

(Amended by Ord. 3849, 3/20/90; Ord 4227, 6/18/96)

1. A Preliminary Development Plan shall expire two (2) years after its approval, except that, for good cause shown, it may be extended for one year from the date the extension is granted by the Director, Zoning Administrator, or Planning Commission. The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Development Plan, whichever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan. *(Amended by Ord. 3977, 2/21/92; Ord. 4227, 6/18/96)*
2. Except as provided in Sec. 35-174.9.3. below, Final Development Plans shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan. *(Amended by Ord. 3977, 2/21/92; Ord. 4067, 8/18/92; Ord. 4227, 6/18/96)*
3. In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Coastal Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire ten (10) years after approval unless, prior to

the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan. *(Added by Ord. 4067, 8/18/92; Amended by Ord. 4227, 6/18/96)*

4. The limitation imposed by this section requiring time extensions to expire two years from the expiration date of the originally approved preliminary or final development plan shall not apply to applications for time extensions filed before July 18, 1996.

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Sec. 35-174.10. Substantial Conformity, Amendments and Revisions.

(Added by Ord. 4086, 12/15/92)

Changes to a Preliminary or Final Development Plan, shall be processed as follows:

1. Substantial Conformity:

The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines.

No public noticing or public hearing shall be required for Substantial Conformity Determinations. The action of the Director shall be final, and not appealable. A Coastal Development Permit shall be required, pursuant to the Substantial Conformity Determination. Prior to the approval of such Coastal Development Permits, an additional finding must be made that the Coastal Development Permit substantially conforms to the previous Development Plan. *(Amended by Ord. 4227, 6/18/96)*

2. Amendments:

Where a Final Development Plan is not in substantial conformity with the approved plan, the Director may approve, or conditionally approve an application to alter, add replace, relocate, or otherwise amend a Final Development Plan, providing:

a. The area of the proposed new development that is under review was 1) analyzed for potential environmental impacts and policy consistency as a part of the approved permit and an addendum to the previous environmental document could be prepared, or 2) was not analyzed in a previous environmental document and policy consistency was not considered as part of the approved permit, but the proposed new development could be found to be exempt from CEQA. *(Amended by Ord. 4318, 6/23/98)*

b. All of the following additional findings can be made:

1) In addition to the findings required for approval of a Final Development Plan set forth in this Sec. 35-174.7., the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the

Final Development Plan was previously approved. *(Amended by Ord. 4318, 6/23/98)*

- 2). The environmental impacts related to the proposed change are substantially the same or less than those identified for the previously approved project.
 - c. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-181. (Noticing). The Director may approve, conditionally approve, or deny the Amendment. *(Amended by Ord. 4298, 3/24/98)*
3. Revisions:
- a. A Revised Development Plan shall be required for changes to a Preliminary or Final Development Plan where the findings set forth in Sec. 35-174.10. for Amendments cannot be made and substantial conformity cannot be determined.
 - b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan except as provided under Section 35-174.10.3.c below. *(Amended by Ord. 4166, 10/4/94)*
 - c. The Zoning Administrator may approve a Revision to a Development Plan approved pursuant to the Housing Element of the County of Santa Barbara as adopted in 1989 to reflect the 1993 Housing Element in place of affordable housing conditions imposed pursuant to the 1989 Housing Element. A Revision shall only be approved if the findings in Section 35-174.7 can be made. The Revision shall be confined to affordable housing requirements only. The provisions of this Section shall expire January 1, 1996. In order for a Revision to be approved under this provision, the Zoning Administrator shall find that the project has met all criteria listed below at the time of application submittal:
 1. The project is for residential use.

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2. The project has permit conditions requiring affordable housing based on the previous Housing Element adopted in 1989.
3.
 - a. The project is located in a Housing Market Area (HMA) where the moderate income need is currently being provided by the unrestricted housing market as identified in the Housing Element Implementation Guidelines and the affordable units have not yet received occupancy clearance or the developer has not yet paid in-lieu fees at the time the revision is requested, depending on the original permit requirements; or,
 - b. The project is located in a HMA where there is a need for all levels of affordable housing as identified in the Housing Element Implementation Guidelines and the developer has not yet recorded an affordable housing agreement with the County or has not yet paid in-lieu fees at the time the revision is requested, depending on what the original permit conditions required.
4. The project was not approved pursuant to a settlement agreement with the County.
5. The developer is not requesting any incentives as part of the Revision request. *(Added by Ord. 4166, 10/4/94)*

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Sec. 35-175. Specific Plans.

Sec. 35-175.1. Purpose and Intent.

1. These regulations are based on the recognition that one parcel or a group of parcels of land which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a unit to ensure protection of valuable resources and allow maximum flexibility in site planning.
2. The purpose of the Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible in the Coastal Plan and to provide for a mixture of uses through comprehensive site planning.
3. This section is adopted to guide in the preparation of a Specific Plan pursuant to the provisions of Article 8, § 65450-6553 of the Government Code.
4. For those parcels which require preparation of a Specific Plan as set forth in the Coastal Plan, the following regulations shall apply.

Sec. 35-175.2. Applicability.

1. A Specific Plan shall not be considered adopted until a site development plan as described in Sec. 35-175.3.2., together with the required accompanying data, have been approved by the Board of Supervisors as part of the Coastal Plan after consideration at public hearings and a recommendation by the Planning Commission.
2. At the time of adoption of the Specific Plan, the Board of Supervisors shall make a determination as to whether the existing zoning on the property is consistent with the Specific Plan under the provisions of § 65860(a) of the Government Code. If the Board of Supervisors finds that it is not consistent, then either the County of Santa Barbara or proponent of the Specific Plan shall initiate rezoning of the parcel(s) to bring the zoning into conformance with the Specific Plan.
3. Although the Board of Supervisors may adopt the Specific Plan as part of the Coastal Plan, no construction shall commence on properties requiring a Specific Plan until a Final Development Plan, as provided in Sec. 35-174., has been approved.

Sec. 35-175.3. Contents of Specific Plans.

1. As many copies of a Specific Plan as may be required shall be submitted to the Planning and Development Department.
2. Unless specifically otherwise authorized in writing by the Director, the information submitted as part of the Specific Plan shall consist of a site development plan including a map or maps drawn to scale and other supplemental information indicating:
 - a. Acreage and approximate boundaries of the property;
 - b. Contour maps showing topography and areas proposed for major regrading;
 - c. Approximate width and location of proposed streets and their connector roads and other major highways on surrounding property;
 - d. Location of areas of geologic, seismic, flood, and other hazards;
 - e. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies, and areas with significant existing vegetation;
 - f. Location of all proposed structures including but not limited to residential (distinguishing between the various types of residential structures, i.e., single family dwelling, duplex, apartment, condominium, etc.), industrial, and recreational structures, a description of the general dimensions and square footage of each of these structures, and an indication of the total number of and estimated total population for each type of dwelling unit;
 - g. Location and amount of open space for use by prospective residents and the public;
 - h. Location and description of proposed recreational facilities;
 - i. Location of parking areas;
 - j. A statement of intent with respect to establishment of utilities, services, and facilities, including water, sewage disposal, fire protection, police protection, and schools;
 - k. If development is to occur in stages, a general indication of the sequence and time of construction of the various phases; and

1. Any other supplementary data requested by the County Planning and Development Department.

Sec. 35-175.4. Processing.

1. After receipt of the Specific Plan, the Planning and Development Department shall process the plan through environmental review.
2. The Planning and Development Department shall refer the Specific Plan to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission. *(Amended by Ord. 4227, 6/18/96)*
3. The Planning Commission shall hold at least one public hearing on the Specific Plan. Notice of time and place of said hearing shall be given in accordance with the procedures set forth in Sec. 35-181. (Noticing). Any hearing may be continued from time to time.
4. If the Planning Commission recommends approval, with or without modifications, the matter shall be referred back to the Planning and Development Department and County Counsel for the preparation of an amendment adopting the Specific Plan as part of the Coastal Land Use Plan. The Planning Commission's recommendation on the Specific Plan and proposed Coastal Land Use Plan amendment shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.
5. The Board of Supervisors shall hold at least one (1) public hearing before adopting the proposed Specific Plan. The notice of time and place of said hearing shall be given in the same time and manner as provided for the giving of notice of the hearing by the Planning Commission. Any hearing may be continued from time to time.
6. The Board of Supervisors shall not make any change or addition to any proposed Specific Plan thereto recommended by the Planning Commission until the proposed change or addition has been referred to the Planning Commission for a report and a copy of the report has been filed with the Board of Supervisors. Failure of the

Planning Commission to report within 40 days after the reference shall be deemed to be approval of the proposed change or additions. It shall not be necessary for the Planning Commission to hold a public hearing on the proposed change or addition.

7. Upon adoption of a Specific Plan, no permits shall be issued for construction, erection, or moving in of any building, nor for grading, nor for any use of land which requires a Coastal Development Permit until a Final Development Plan as required under the applicable zoning district has been approved.
8. Amendments to the Specific Plan shall be processed in the same manner as specified for adoption of an original Specific Plan except as provided for under Sec. 35-169.8.

Sec. 35-175.5. Findings Required for Approval.

A Specific Plan shall not be adopted unless all of the following findings are made:

1. The Specific Plan is in conformance with all applicable Coastal Land Use Plan policies and incorporates any other conditions specifically applicable to the parcels that are set forth in these plans.
2. The Specific Plan will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood.
3. The Specific Plan will not adversely affect such necessary community services as traffic, circulation, sewage disposal, fire protection, and water supply.

Sec. 35-176. Oil and Gas Exploration and Production Plans.

Sec. 35-176.1. Purpose and Intent.

The purpose of Exploration and Production Plans is to provide for discretionary review of the specific design, layout, and provisions for oil and gas exploration, and/or production which may, because of facilities, scale, or location of development, have a significant potential for impacts on coastal resources. The intent of the requirements for Exploration and Production Plans is to insure that impacts on coastal resources from such activities are minimized, to the maximum extent feasible.

Sec. 35-176.2. Applicability of Exploration Plans.

No Coastal Development Permit shall be issued for any activity related to exploratory oil and gas drilling, including grading, for any property subject to the provisions of this section until an Exploration Plan has been approved as provided herein. No portion of any property not included within the boundaries of an approved Exploration Plan shall be entitled to any Coastal Development Permit for exploratory oil and gas drilling.

Sec. 35-176.3. Contents of Exploration Plan.

As many copies of an Exploration Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of an Exploration Plan shall consist of the following:

1. Description of land and title held by the applicant.
2. A map showing acreage and boundaries of the lease area.
3. A plot plan to scale which depicts:
 - a. Location, use, size, and height of all proposed well locations, drilling pads, sumps, and equipment.
 - b. Location and width of existing and proposed roads.
 - c. Off-street parking areas.
 - d. Location, type, and height of fencing.
 - e. Relationship of proposed facilities to other buildings, structures, and/or natural or artificial features, including habitats, prime agricultural land,

recreational areas, scenic resources, and archaeological sites within 1,000 feet of any well.

4. Photographs of the site taken from all directions from which it can be viewed by the public or adjacent residents.
5. A written, narrative description of the objective of the project, operational characteristics, and measures that will be taken to eliminate or substantially mitigate adverse impacts on designated environmentally sensitive habitat areas, prime agricultural land, recreational areas, scenic resources, archaeological sites, and neighboring residents, due to the siting, construction, or operation of the proposed drill site.
6. An oil spill contingency plan that specifies the location and type of cleanup equipment, designation of responsibilities for monitoring equipment, disposition of wastes, and reporting of incidents.
7. Contour map showing topography and proposed grading for drilling pads, access roads, and any incidental equipment or facilities.
8. A brief description of the manner in which the oil and/or natural gas will be produced, processed, and transported if the exploratory drilling program is successful.
9. In addition to procedures for abandonment and removal of equipment contained in Secs. 25-34 and 25-35 of the County Code (Petroleum Ordinance), provisions shall be included in an Exploration Plan for appropriate contouring, reseeding, and landscaping to conform with the surrounding topography and vegetation.
10. Information concerning the source, quantity and quality of water to be utilized in the drilling/production program, the manner in which the water will be transported and stored on-site, and the method of disposal of wastewater and other drilling wastes.

Sec. 35-176.4. Processing of Exploration Plan.

1. After receipt of the Exploration Plan, the Planning and Development Department shall process the plan through environmental review. The exemption from

- environmental review in Sec. 25-4 E of the County Code (Petroleum Ordinance) shall not apply within the Coastal Zone.
2. The Planning and Development Department shall refer the Exploration Plan to the Subdivision/Development Review Committee for review and said Subdivision Committee shall consider the plan and make their recommendations to the Planning Commission. *(Amended by Ord. 4227, 6/18/96)*
 3. The Planning Commission shall then consider the Exploration Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan. The Planning Commission's action shall be final subject to appeal to the Board of Supervisors as provided in Sec. 35-182. (Appeals).
 4. If the Exploration Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Exploration Plan.
 5. The Director may approve minor changes to an approved Exploration Plan, provided that such changes do not allow additional wells to be drilled. Substantial changes to an Exploration Plan shall be processed in the same manner as the original plan except as provided for under Sec. 35-169.8. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

Sec. 35-176.5. Findings Required for Approval of Exploration Plan.

An Exploration Plan shall only be approved if all of the following findings are made:

1. There are no feasible alternative locations for the proposed exploratory drilling program that are less environmentally damaging.
2. Adverse environmental effects are mitigated to the maximum extent feasible.
3. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
4. The development is in conformance with the applicable provisions of this Article and the policies of the Coastal Land Use Plan.

5. That the site is appropriate for subsequent oil and gas production, should the proposed drilling program be successful.

Sec. 35-176.6. Modifications of Development Standards.

1. At the time the Exploration Plan is approved, the Planning Commission may modify the development standards specified in Sec. 35-152., OIL AND GAS FACILITIES, where necessary or appropriate to permit drilling in accordance with the approved plan.
2. As a condition of approval of any Exploration Plan, the Planning Commission may impose any appropriate and reasonable conditions or require any redesign of the project as deemed necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, safety, and welfare or to implement the purposes of this Article.

Sec. 35-176.7. Applicability of Production Plans.

No coastal development permit shall be issued for any activity related to oil and gas production, including grading, for any property subject to the provisions of this section until a Production Plan has been approved as provided herein. No part of any property not included within the boundaries of an approved Production Plan shall be entitled to any coastal development permits related to oil and gas production.

Sec. 35-176.8. Contents of Production Plans.

As many copies of a Production Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Director, the information to be submitted as part of a Production Plan shall include the following:

1. All information and maps required under Sec. 35-176.3., Contents of Exploration Plans.
2. A landscaping Plan.
3. Perspective views of all proposed buildings, structures, and fixed exterior equipment.

4. An analysis of the potential for the consolidation or collocation of facilities, including the clustering of wells and/or incidental equipment at production sites, or at other sites owned by the operator or another operator.
5. A phasing plan for the staging of development which includes the estimated timetable for project construction, operation, completion, and abandonment.

Sec. 35-176.9. Processing of Production Plans.

1. The Planning and Development Department shall process the plan through environmental review. The exemption from environmental review in Sec. 25-4 E of the County Code (Petroleum Ordinance) shall not apply within the coastal Zone.
2. After certification of the final environmental document, the Planning and Development Department shall refer the Production Plan to the Subdivision Committee for review and said Subdivision Committee shall consider the plan and make their recommendations to the Planning Commission.
3. The Planning Commission shall then consider the Production Plan at a noticed public hearing and approve, conditionally approve, or disapprove the plan. The Planning Commission's action shall be final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182. (Appeals).
4. If the Production Plan is filed in conjunction with a Conditional Use Permit application, the Conditional Use Permit shall be processed as part of the Production Plan.
5. The Director may approve minor changes to an approved Production Plan, provided that such changes do not allow additional wells to be drilled, or increase the lease production capacity by more than 10 percent. Other changes to a Production Plan shall be processed in the same manner as the original plan except as provided for under Sec. 35-169.8. When approved by the Planning Commission, such revised plan automatically supersedes any previously approved plan.

Sec. 35-176.10. Findings Required for Approval of Production Plan.

A Production Plan shall only be approved if all of the following findings are made:

1. There are no feasible alternative locations for the proposed production drilling program that are less environmentally damaging.

2. Adverse environmental effects are mitigated to the maximum extent feasible.
3. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.
4. The development is in conformance with the applicable provisions of this Article and the policies of the Coastal Land Use Plan.

Sec. 35-176.11. Modifications of Development Standards.

1. At the time the Production Plan is approved, the Planning Commission may modify the development standards specified in Sec. 35-153., OIL AND GAS FACILITIES, where necessary or appropriate to permit oil and gas development and production in accordance with the approved plan.
2. As a condition of approval of any Production Plan, the Planning Commission may impose any appropriate and reasonable conditions or require any redesign of the project as deemed necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public health, safety, and welfare, or to implement the purposes of this Article.

Sec. 35-177. Reclamation and Surface Mining Permits

Sec. 35-177.1. Purpose and Intent.

1. This Section is adopted pursuant to the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sec. 2710 *et seq.*), hereinafter referred to as the State Act, and the California Administrative Code Regulations adopted pursuant thereto (14 Cal. Admin., C. Sec. 3500 *et seq.*), hereinafter referred to as the State Regulations.
2. The Board hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
3. The Board further finds that the reclamation of mined lands as provided in this Section, the State Act, and the State Regulations will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
4. The Board further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specification therefore may vary accordingly.
5. The Board further finds that the regulation of surface mining operations is to assure that:
 - a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
 - b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 - c. Residual hazards to the public health and safety are eliminated.

Sec. 35-177.2. Incorporation of State Act and Regulations.

The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710-2793) and the California Administrative Code Regulations implementing the Act (14 Cal. Admin., C. Sections 3500-3508), as either may be amended from time to time, are made a part of this paragraph by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein.

Sec. 35-177.3. Applicability.

Unless exempted by the provisions of the State Act or State Regulations, any person (as defined in the State Regulations) who proposes to engage in surface mining operations shall, prior to the commencement of such operation, obtain (1) a permit to mine and (2) approval of a reclamation plan, as provided in this section.

Any person who has engaged or proposes to engage in surface mining operations and who is exempt from the requirement of a surface mining permit, shall file and obtain approval, pursuant to this Section, of a reclamation plan for all operations conducted after January 1, 1976, unless a reclamation plan was approved by the County prior to January 1, 1976, and the person submitting that plan has accepted responsibility for carrying out that plan.

Sec. 35-177.4. CEQA.

1. The approval of reclamation plans is exempt from the California Environmental Quality Act (CEQA) under the Class 8, categorical exemption as an action taken by the County, "as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involved procedures for protection of the environment." Class 8, APPENDIX B, County Guidelines for Implementing CEQA; 14 Cal, Admin. C. Sec. 15108.
2. The issuance of surface mining permits is not exempt from CEQA.

Sec. 35-177.5. Surface Mining Under Existing Zoning.

1. In all zone districts other than the AG-II (Agriculture II), any surface mining is permitted only after approval of a Conditional Use Permit under Sec. 35-172.
2. In the AG-II District, surface mining operations for building or construction material, including diatomaceous earth, are a permitted use requiring only a Coastal

Development Permit pursuant to Section 35-169., but such operations that exceed 20,000 square feet will require environmental review before the Coastal Development Permit may be issued.

Sec. 35-177.6. Procedures.

1. Each applicant shall submit to the Planning and Development Department, together with the required fees as set by the Resolution of the Board of Supervisors, the number of copies of the application (on an application form supplied by said department) and of such plans, elevations, and descriptions as are required by said Department. The term application shall include not only original applications, but also any subsequent amendments to permits or plans. Upon receipt of a complete application for a reclamation plan or surface mining permit, the Director shall promptly forward one copy thereof to the following County officials; for a surface mining permit--Director of Public Works, Transportation, Environmental Health, and the Flood Control Engineer and Fire Chief; for a reclamation plan--Director of Public Works (who shall consult with the appropriate Resource Conservation District), Flood Control Engineer, and Director of Environmental Resources. Each of said County officials shall, within thirty (30) days after the date of transmittal of said copy of said application, make a written report to the Planning Commission as to any recommendations with respect to the use or plan contemplated by the application and its bearing on his functions. Failure to submit such report within said thirty (30) days shall be deemed approval of said application without conditions.
2. The Planning and Development Department shall notify the State Geologist of the filing of an application for a permit to conduct surface mining operations and shall forward a copy of each permit and approved reclamation plan to the Los Angeles Office of the State Division of Mines and Geology.
3. Within sixty (60) days after the receipt of a complete application, the Planning Commission, after holding at least one noticed public hearing on each application, may approve the application. Notice of the hearing on a surface mining permit shall be given in accordance with Sec. 35-181. (Noticing). Notice of the hearing on

a reclamation plan shall be given to the applicant and property owner, if other than the applicant. The decision of the Planning Commission of the application shall be reported to the Board of Supervisors.

4. The decisions of the Planning Commission with respect to reclamation plans and surface mining permits shall be final except that within twelve (12) days after the action of the Planning Commission, the Board of Supervisors, on its own initiation, may modify or reverse the action of the Planning Commission by order and any action of the Planning Commission is subject to appeal to the Board of Supervisors as provided in Sec. 35-182. (Appeals).

Sec. 35-177.7. Standards.

The standards for approval of reclamation plans and for issuance of surface mining permits shall be those contained in the State Act and State Regulations.

Sec. 35-177.8. Performance Security.

1. Purpose. The intent of this subparagraph is to insure that reclamation will proceed in accordance with the approved reclamation plan (as may be amended), and to avoid economic waste in the requirement of security.
2. Requirement, Forms and Amount of Security. As a condition of approval of any reclamation plan, to secure the operator's performance, the Planning Commission may require one or more forms of security which will be released upon satisfactory performance, including: a corporate surety bond; corporate or government securities; cash; if acceptable to the operator, a lien against the operator's interests in the mined lands; or solely the bond of the operator itself. The aggregate of any such security shall be in an amount determined by the Public Works Department to equal the cost of completing the reclamation required during the succeeding two (2) year period or other reasonable term.
3. Bond Operator. In determining whether to accept the bond of the operator itself without a separate surety or other form of security, the Planning Commission shall consider, without limitation: 1) the financial strength of the operator; 2) the assets within California; 3) its past performance on contractual obligations with public

entities; and 4) whether there is a suitable agent of the operator within this County to receive service of process.

4. Lien with Operator's Consent. If the Planning Commission requires security other than the bond of the operator itself, and if the full value of the taxable assets of the operator within this County exceeds to the extent deemed sufficient by the Planning Commission the estimated cost of completing the reclamation required during the succeeding two (2) year period or other reasonable term only with the operator's consent, the Planning Commission shall require a lien rather than a corporate surety bond or other form of security.
5. Review of Security. Whenever requested by the Public Works Department or the operator, the Planning Commission shall review and may thereupon change the form(s) or amount of security required.

Sec. 35-177.9. Periodic Compliance Inspections.

Surface mining permits or approved reclamation plans issued or approved pursuant to this section, shall provide for periodic compliance inspections by the Public Works Department. Fees based on an hourly charge for such periodic compliance inspections for such permits or plans shall be established by Resolution of the Board of Supervisors and paid by the operator.

Sec. 35-177.10. Revocation and Voidability of Surface Mining Permits.

1. A surface mining permit issued pursuant to this Section shall be null and void and automatically revoked if:
 - a. Within three (3) years after the granting of said permit, the surface mining operations authorized by the permit have not been established; or
 - b. A use permitted under a surface mining permit issued subsequent to that effective date of this section is discontinued for a period of more than three years.
 - c. Provided, however, that prior to the expiration of such three year period the Board of Supervisors, after recommendation by the Planning Commission, may extend such three year period for good cause shown.

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2. After written notice to the permittee and a hearing thereon, the Planning Commission may revoke a surface mining permit issued pursuant to this section, if any of the conditions of the permit are not complied with.

Sec. 35-178. Land Use Permits.

(Amended by Ord. 3851, 3/20/90)

Sec. 35-178.1. Purpose and Intent.

This section establishes procedures and findings for the issuance of Land Use Permits in cases where the County approves certain discretionary permits for new development, but the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Sec. 35-169.2.1.i. or, (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission. In such cases, the Land Use Permit is the final permit required by the Planning and Development Department, following issuance of the Coastal Development Permit by the Coastal Commission. The intent of this section is to enable the Planning and Development Department to ensure that development proposals are in conformity with the provisions of this Article, the Coastal Land Use Plan, and applicable provisions of the Comprehensive plan. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-178.2. Applicability.

A Land Use Permit shall be required for all development in the Coastal Zone for which the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Sec. 35-169.2 or (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission.

Sec. 35-178.3. Contents of the Application.

1. As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include a site plan which indicates clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.
 - c. Lot dimensions.
 - d. All proposed and existing buildings and structures: locations, size, height, and proposed use.

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- e. Distance from proposed structure(s) to property lines, centerline of street or alley and other existing structures on the lot.
 - f. Walls and fences: location, height and materials.
 - g. Name and widths of streets (right-of-way) abutting the site.
 - h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
 - i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
 - j. Signs: location, size, height and method of illumination.
 - k. Loading spaces: location, dimensions, number of spaces.
 - l. Lighting: general nature, locations and hooding devices.
 - m. Proposed street dedications and improvements.
 - n. Landscaping, if required.
 - o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
 - p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.
 - 3) Total number of employees.
 - q. All easements.

Sec. 35-178.4. Processing.

1. A Land Use Permit shall not be issued until all necessary approvals, except building permits but including issuance of a Coastal Development Permit by the California Coastal Commission, have been obtained. For such Land Use Permits, staff from Planning and Environmental Services shall review final plans, the final project description, and fulfillment of the project's conditions of approval for conformance with the previously granted approvals, and shall issue the Land Use Permit upon verification of such conformity and compliance. There is no noticing requirement for approval of these Land Use Permits, nor is there an appeal of the Land Use Permit. *(Amended by City Ord. 07-06, 6/4/2007)*
2. In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, the Planning and Development Department shall not issue a Land Use Permit within 10 calendar days of the date that the Planning Commission or Zoning Administrator took final action, during which time an appeal may be filed according to Section 35-182. (Appeals).

3. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning, a Land Use Permit shall not be issued while the proceedings are pending on such rezoning, unless the proposed buildings or structures would conform to the existing zoning of such property and also to the said rezoning initiated by the Board of Supervisors or unless a Preliminary Development Plan was approved by the County before the adoption of said resolution.

Sec. 35-178.5. Findings Required for Approval of a Land Use Permit.

A Land Use Permit shall be issued only if all of the following findings are made:

1. That the proposed development conforms to the applicable policies and provisions of this Article, the Coastal Plan, and the Comprehensive Plan as applicable.
2. That the proposed development is located on a legally created lot as determined by the County Surveyor.
3. That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Sec. 35-169 *et seq.*

Sec. 35-178.6. Expiration.

A Land Use Permit shall expire one year from the date of issuance if the use, building, or structure for which the permit was issued has not been established, or commenced, except that for "major public works and major energy facilities," the Land Use Permit shall expire two (2) years from the date of issuance. Prior to the expiration of such one or two (2) year period, the Coastal Planner may extend such period for good cause shown.

Sec. 35-178.7. Revocation.

Issuance of the Land Use Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all conditions, the Director of Planning and Development may revoke this permit and all authorization for development.

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Sec. 35-179. Modifications.
(Added by Ord. 4228, 6/18/96)

Sec. 35-179.1. Purpose and Intent

The purpose and intent of this Section is to allow minor modifications of District setback regulations, parking, height requirements, or zoning development standards where, because of practical difficulties, integrity of design, topography, tree or habitat protection or other similar site conditions, minor adjustments to such regulations, requirements, or standards would result in better design, resource protection, and land use planning.

Sec. 35-179.2. Applicability

1. The provisions of this Section shall apply to specific development proposals allowed pursuant to the Permitted Uses sections in all zone districts, which are not otherwise subject to Conditional Use Permit or Development Plan requirements.
2. In no case shall a Modification, pursuant to this Section, be granted to permit a use or activity which is not otherwise permitted in the District in which the property is situated, nor shall a Modification be granted which alters the procedural or timing requirements of this Article.
3. Modifications may only be granted in conjunction with a specific development proposal and are limited to all of the following:
 - a. The total area of each side, front and/or rear yard setback area shall not be reduced by more than twenty percent (20%) of the minimum yard setback area required pursuant to the applicable District regulations.
 - b. No setback reduction for buildings and structures, except for unenclosed, attached porches or entryways, shall result in:
 - 1) A front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than sixteen and one half (16 1/2) feet.
 - 2) A side yard setback depth from property lines of less than three (3) feet.
 - 3) A rear yard setback depth from property lines of less than fifteen (15) feet.
 - c. No unenclosed, attached porch or entryway shall result in a front yard setback depth, as measured from the right of way or easement line of a street or driveway, of less than ten (10) feet.
 - d. Up to a ten percent (10%) increase in District height regulations.
 - e. Up to a ten percent (10%) increase in mandatory Floor Area Ratio (FAR) requirements for buildings originally constructed prior to the adoption of such FAR regulations (e.g., if the required FAR is 0.50 the maximum modification allowed would be 0.55.)

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- f. A reduction in the required number and/or a modification in the design, loading zone or location of parking spaces. In no case shall: (1) any required number of bicycle parking spaces be reduced, (2) any Modification of parking requirements be granted, pursuant to this Section for a residential second unit, or (3) any parking or screening requirement Modification be granted for a vehicle with more than two-axles, a recreational vehicle or bus, a trailer or other non-passenger vehicle. (*Amended by City Ord. 03-07, 11/17/2003*)
4. In no case shall a Modification be granted pursuant to this Section for a reduction in landscape, buffer, open space, or other requirements of this Article except as provided above.

Sec. 35-179.3. Jurisdiction

The decision-maker for a Modification, pursuant to this Section, shall be the Zoning Administrator, who upon making the findings required under this Section, may approve or conditionally approve Modifications to the regulations applicable to physical standards for land, buildings, and structures contained in this Article, as listed in Section 35-179.2.3.

Sec. 35-179.4. Contents of Application

As many copies of a Modification application as may be required shall be submitted to the Planning and Development Department. Said application shall contain full and complete information as required pertaining to the request.

Sec. 35-179.5. Processing

1. After receipt of the Modification application, the Planning and Development Department shall process the project through environmental review.
2. The project shall be subject to provisions of Section 35-184, Design Review Board (DRB), and shall normally be scheduled to be heard by the Design Review Board for Preliminary Review and approval only, prior to the project being heard by the Zoning Administrator. The exception to the requirement for DRB review of Modifications is that for projects requesting one or more minor modifications of zoning requirement standards, no DRB review and approval is required if the associated project is exempt from DRB review. (*Amended by City Ord. 07-06, 6/4/2007*)
3. The Zoning Administrator shall hold at least one noticed public hearing on the requested Modification and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in Sec. 35-181. (Noticing).
4. The Zoning Administrator, in granting said Modification, may require such conditions as deemed necessary to assure that the intent and purpose of this Article and the public health, safety, and welfare will be promoted.
5. The Zoning Administrator's action is final, subject to appeal to the Board of Supervisors as provided in Sec. 35-182.3. (Appeals)

Sec. 35-179.6. Findings Required for Approval.

A Modification shall only be approved if all of the following findings are made:

1. The project is consistent with the Comprehensive Plan and any applicable Community Plan.
2. The project complies with the intent and purpose of the applicable Zone District(s) including Overlays, this Section and this Article.
3. The Modification is minor in nature and will result in a better site or architectural design, as approved by the Design Review Board, if such DRB review is required, and/or will result in greater resource protection than the project without such Modification. *(Amended by City Ord. 07-06, 6/4/2007)*
4. The project is compatible with the neighborhood, and does not create an adverse impact to community character, aesthetics or public views.
5. Any Modification of parking or loading zone requirements will not adversely affect the demand for on-street parking in the immediate area.
6. The project is not detrimental to existing physical access, light, solar exposure, ambient noise levels or ventilation on or off site.
7. Any adverse environmental impacts are mitigated to a level of insignificance.

Sec. 35-179.7. Expiration

Unless otherwise specified by conditions of project approval, a Modification shall expire one year from the date of approval if a Coastal Development Permit has not been issued for the modified building or structure. Prior to the expiration of such time period, the Director may grant one, one year extension from the date of expiration of the Modification, for good cause shown. Once the building or structure has been granted a Coastal Development Permit, the Modification shall have the same expiration date as the issued Coastal Development Permit.

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