

DIVISION 12.

ADMINISTRATION.

Sec. 35-180. Amendments to a Certified Local Coastal Program.

Sec. 35-180.1. Purpose and Intent.

The purpose of this section is to provide for changes in the land use and/or zoning designation on properties where such change is warranted by consideration of location, surrounding development and timing of development, to provide for text amendments to this Article and/or the Coastal Land Use Plan as the County may deem necessary or desirable and to provide for amendments to any ordinances or implementation programs carrying out the provisions of the Coastal Land Use Plan. The intent of this section is to provide the mechanism consistent with the Coastal Act for amending a certified Local Coastal Program (L.C.P.) which consists of a Land Use Plan, Zoning and other ordinances, Land Use and Zoning Maps and special programs, i.e., recreation and access.

Sec. 35-180.2. Applicability.

Any amendment to the Local Coastal Program shall be adopted pursuant to the provisions of this section.

Sec. 35-180.3. Initiation.

An amendment to a Certified Local Coastal Program may be initiated by:

1. One or more persons owning property representing at least fifty percent of the assessed valuation of the property which will be affected by such amendment.
2. Resolution of intention by the Board of Supervisors.
3. Resolution of intention by the Planning Commission.
4. The Director *(Added by Ord. 4227, 6/18/96)*

Sec. 35-180.4. Processing.

1. As many copies of a Rezone, Ordinance Amendment or Coastal Land Use Plan Amendment application as may be required shall be submitted to the Planning and Development Department.
2. The Planning and Development Department shall process the application through environmental review.
3. The Planning Commission shall hold at least one public hearing on the proposal.
(Amended by Ord. 4227, 6/18/96)
4. Notice of the hearing shall be given at least ten calendar days before the hearing in the following manner:
 - a. For any amendment, notice shall be:
 - 1) Published in a newspaper of general circulation, in the County.
 - 2) Mailed to any person who has filed a written request therefore and has supplied the County with self-addressed, stamped envelopes.
 - 3) Mailed to the Coastal Commission.
 - b. In addition, for a proposed change of zone district or change of land use designation, notices shall be mailed:
 - 1) To the owners of the affected property and also the owners of the property within 300 feet of the exterior boundaries of the affected property, using for this purpose, the name and address of such owners shown on the tax rolls of the County.
 - 2) To residents of the affected property and residents within 100 feet of the affected property.
 - 3) In the event that the number of owners and/or residents to whom notice would be sent pursuant to 1 or 2 above is greater than one thousand, the County may provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation, published and circulated in the affected area of the County, at least 10 days prior to the hearing. *(Amended by Ord. 3852, 3/20/90)*
 - 4) If there is a valid and operational Conditional Use Permit associated with a proposed rezone site and under the new zone district the conditionally permitted use would become a permitted use, the Conditional Use Permit conditions of approval shall remain valid unless altered or deleted pursuant to Section 35-172.11. *(Added by Ord. 4318, 6/23/98)*

Sec. 35-180.5. Action.

The Planning Commission's action shall be transmitted to the Board of Supervisors by resolution of the Planning Commission carried by the affirmative votes of a majority of its total voting members. The resolution shall be accompanied by a statement of the Planning Commission's reasons for such recommendation.

Within 40 days of receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the matter. If the matter under consideration is a request to change property from one zone to another (rezone), and the Planning Commission has recommended against such a request, the Board of Supervisors shall not be required to hold a public hearing or take any further action on the matter unless within five days of the decision of the Planning Commission, the applicant or other interested person files a written request for such hearing with the Clerk of the Board of Supervisors. Notice of the time and place of said hearing by the Board of Supervisors shall be given in the same time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in this Section. The Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission, provided that any modification of the proposed amendment by the Board of Supervisors not previously considered by the Planning Commission during its hearing shall first be referred to the Planning Commission for a report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 40 days of the reference or such longer period as may be designated by the Board of Supervisors shall be deemed to be approval of the proposed modification.

Note: Any legislative approval by the Board of Supervisors (i.e., LCP amendments, ordinance amendments, general plan amendments, rezones) which would authorize or allow the development, construction installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County of Santa Barbara (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County of Santa Barbara in a regular election as described in Section 35-150.1. This voter approval requirement was

added to the ordinance pursuant to the Measure A96 voter approval initiative, passed by the voters of Santa Barbara County on March 26, 1996 and is effective twenty-five (25) years hence. (Added by Ord. 4234, 7/23/96)

Sec. 35-180.6. Findings Required for Approval of Rezone or Ordinance Amendment.
(Added by Ord. 4227, 6/18/96)

In order for the Planning Commission to recommend approval or for the Board of Supervisors to approve a Rezone or Ordinance Amendment the following findings shall be made by the Planning Commission and Board of Supervisors:

- a. The request is in the interests of the general community welfare.
- b. The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.
- c. The request is consistent with good zoning and planning practices.

Sec. 35-180.7. Coastal Commission Certification.
(Amended by Ord. 3484 (1/4/85))

Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Therefore, any approval by the County of such a proposed amendment to the Local Coastal Program shall be submitted to the Coastal Commission as soon as practicable after final approval by the Board of Supervisors in accordance with § 30512 and § 30513 of the Coastal Act of 1976.

Sec. 35-181. Noticing.

Sec. 35-181.1. Purpose and Intent.

The purpose of this section is to set forth the minimum requirements for providing notice of a public hearing and other required noticing. *(Amended by Ord. 4227, 6/18/96)*

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

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

1. Minimum Requirements. For all projects that require a noticed public hearing or notice of a decision-maker action, notice shall be given pursuant to Sections 65090-65096 of the California Government Code. The minimum requirements for such notice shall be as follows:
 - a. Notice shall be published in a newspaper of general circulation in the County and circulated in the area affected by the project, at least ten (10) calendar days prior to the hearing or action.
 - b. Notice shall be mailed to any person who has filed a written request therefore and has supplied the Planning and Development Department with self-addressed stamped envelopes.
 - c. Notice shall be mailed to the applicant(s).
 - d. Notice shall be mailed to the owners of the affected property and the owners of the property within 300 feet of the exterior boundaries of the affected property at least ten (10) calendar days prior to the hearing or action, using for this purpose the name and address of such owners as shown on the tax rolls of the County.
 - e. Notice shall be mailed to residents within 100 feet of the affected property at least ten (10) calendar days prior to the hearing or action.
 - f. If the number of owners and residents to whom notice would be mailed or delivered pursuant to this Section is greater than 1,000, the County may instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least ten (10) calendar days prior to the hearing.
 - g. Notice shall be mailed to the Coastal Commission.

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2. Contents of Notice. The notice shall contain the following information:
 - a. The date of filing and the name of the applicant;
 - b. The Planning and Development number assigned to the application.
 - c. A description of the project, its proposed location, and a statement that the proposed development is within the Coastal Zone.
 - d. The date, time, and place the application will be heard upon by the local governing body or decision-maker;
 - e. The general procedure of the local government concerning the conduct of hearing and local actions and submission of public comments either in writing or orally prior to the local decision;
 - f. The procedure for Coastal Commission appeals, including any required appeals fees.

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

Sec. 35-181.3. Coastal Development Permit Noticing.
(Added by Ord. 4227, 6/18/96)

1. Minimum Requirements. Notice of a pending decision on a Coastal Development Permit, not subject to the special hearing requirements of Section 35-169.5 and not following a previous discretionary action, shall be given seven (7) days prior to the decision on the permit in the following manner: *(Amended by Ord. 4298, 3/24/98)*
 - a. By the Planning and Development Department conspicuously posting notice at one (1) public place within the County's jurisdiction (e.g., Planning and Development Department).
 - b. Requiring that the applicant conspicuously post notice of Coastal Development Permit, as provided by the Planning and Development Department, at a minimum of three (3) locations on and around the perimeter of the subject

property with at least one notice posted in a location that can be viewed from the nearest public street. The applicant shall provide proof of posting notice by filing an affidavit of noticing, and any other required documentation, with the Planning and Development Department, prior to permit issuance or such other date as may be required. Failure of the applicant to comply with this Section may result in revocation of the permit.

- c. Notice required pursuant to subsections a. and b., above, shall be posted by a date identified by the Planning and Development Department. If no such date is identified, the required date of posting shall be seven days prior to the date of decision on the Coastal Development Permit.
- d. Notice required to be posted shall be continuously posted for a minimum of seventeen (17) calendar days from the date prescribed pursuant to subsection 1.c., above and shall remain posted for a minimum of ten (10) calendar days following the Planning and Development Department's decision on the permit.
- e. Notice of the Planning and Development Department's intent to act on a Coastal Development Permit shall also be mailed to 1) all persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes, 2) all property owners and residents within 100 feet of the perimeter of the subject parcel, and 3) to the Coastal Commission.

2. Minimum Requirements for Coastal Development Permits Following a Previous Discretionary Action. *(Amended by Ord. 4298, 3/24/98; City Ord. 07-06, 6/4/07)*

Notice of a pending decision on a Coastal Development Permit following a previous discretionary action and with the same project description shall be given in the following manner:

- a. Planning and Development shall conspicuously post notice at one (1) public place within the County's jurisdiction (e.g., Planning and Development Department).

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- b. The applicant shall conspicuously post notice of Coastal Development Permit, as provided by the Planning and Development Department, at a minimum of three (3) locations on and around the perimeter of the subject property with at least one notice posted in a location that can be viewed from the nearest public street. The applicant shall provide proof of posting notice by filing an affidavit of noticing, and any other required documentation, with the Planning and Development Department, prior to permit issuance or such other date as may be required. Failure of the applicant to comply with this Section may result in revocation of the permit.
 - c. Notice required pursuant to subsections a. and b., above, shall be posted by a date identified by the Planning and Development Department. If no such date is identified, the required date of posting shall be the next working day following the date of the approval of the Permit.
 - d. Notice required to be posted shall be continuously posted for a minimum of ten (10) calendar days from the date prescribed pursuant to subsection 1.c., above.
 - e. Notice of the Planning and Development Department's approval of a Coastal Development Permit shall also be mailed to: 1) all persons who have filed a written request and has supplied the Planning and Development Department with self-addressed stamped envelopes, 2) all parties that received notice of the previous discretionary action, including but not limited to property owners and residents within 100 feet of the perimeter of the subject parcel, and 3) the Coastal Commission.
2. Contents of Notice. *(Amended by Ord. 4298, 3/24/98)*

The notice shall contain the following information:

- a. The name of the applicant and date of filing of the application.

- b. The Planning and Development Department application number.
- c. A description of the project, its proposed location, and a statement that the development is within the Coastal Zone.
- d. The date of decision on the permit and the date of expiration of the appeal period for the Coastal Development Permit.
- e. The procedure for appeal of the Coastal Development Permit approval.
- f. The procedure for submitting written or oral comments prior to the decision on Coastal Development Permits, excluding permits that follow a previous discretionary approval.
- g. A statement that the public comment period commences upon the date that such notice is given and allows for submission of public comments prior to the decision on the Coastal Development Permit, excluding permits that follow a previous discretionary approval.

Sec. 35-181.4. Notice of Final Action for Coastal Development Permits appealable to the Coastal Commission.

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

For those developments that are appealable to the Coastal Commission (see Definition of Appealable Development and Section 35-182.4., Appeals), notice of the approval of a Coastal Development Permit shall be given to the Coastal Commission and to any interested person who has requested such notice and has submitted a self-addressed stamped envelope to the Planning and Development Department. Said notice shall be given within five (5) calendar days of the final action. Such notice shall include conditions of approval, findings, and the procedure for appeal of the County's action to the Coastal Commission.

Sec. 35-181.5. Failure to Receive Notice.

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

The failure of any person or entity to receive notice given pursuant to this Section or pursuant to Sections 65090-65096 of the California Government Code shall not invalidate the actions of the Planning and Development Department or the decision-maker.

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Sec. 35-182. Appeals.

Sec. 35-182.1. Purpose and Intent.

The purpose of this section is to provide procedures for appeals to the Planning Commission and the Board of Supervisors and to establish the criteria for those developments that may be appealed to the State Coastal Commission.

Sec. 35-182.2. Appeals to the Planning Commission.

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

1. Except for those actions on Coastal Development Permits which are appealable to the Coastal Commission as provided for under Sec. 35-182.4., the decisions of the Planning and Development Department on the approval, denial, or revocation, of Coastal Development Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal and accompanying fee must be filed with the Planning and Development Department as follows:
 - a. Within the ten (10) calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten (10) calendar days following the posting date for the notice of Coastal Development Permit approval, as required by Section 35-181.3., or if denied, within the ten (10) calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten (10) calendar days following the date of final decision by the Board or Architectural Review (BAR). If final approval by the BAR is appealed, the hearing on the appeal shall only be held after the decision on the Coastal Development Permit but, prior to the issuance of the Coastal Development Permit for such project. The BAR appeal shall be processed concurrently with any appeal of the Coastal Development Permit. If a denial by the BAR is appealed, a separate hearing shall be held on the BAR appeal prior to the decision on the Coastal Development Permit. No permits shall be issued until all appeals have been heard and/or resolved.

- d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Development Department on a Coastal Development Permit, or the decision of the Director or the BAR, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Development Department, Director or BAR. If the approval of a Coastal Development Permit (not subject to Section 35-182.4) required by a previously approved discretionary permit is appealed, the appellant must identify how the Coastal Development Permit is inconsistent with the previously approved discretionary permit, how the discretionary permit's conditions of approval have been unfulfilled, or how the approval is inconsistent with Sec. 35-181. (Noticing). *(Added by Ord. 4318, 6/23/98)*
2. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement from the Planning and Development Department setting forth the reasons for the decision by the Planning and Development Department, the Director, or the BAR. *(Amended by Ord. 4227, 6/18/96)*
3. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, the Director, or the BAR at a regular public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-182.3. Appeals to the Board of Supervisors.

1. The decisions of the Planning Commission or Zoning Administrator may be appealed to the Board of Supervisors by the applicant, an aggrieved person (see definition) or any two members of the Coastal Commission. The appeal, which shall be in writing, and the accompanying fee must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days following the date of the Planning Commission's or Zoning Administrator's decision. For developments

which are appealable to the Coastal Commission under Sec. 35-182.4.2., no appeal fee will be charged. *(Amended by Ord. 4227, 6/18/96)*

2. The appellant shall state specifically in the appeal wherein the decision of the Planning Commission or Zoning Administrator is not in accord with the provisions and purposes of this Article or wherein it is claimed that there was an error or an abuse of discretion by the Planning Commission or Zoning Administrator. *(Amended by Ord. 4227, 6/18/96)*
3. Prior to the hearing on said appeal, the Clerk of the Board of Supervisors shall notify the Planning Commission or Zoning Administrator that an appeal has been filed whereon the Planning Commission or Zoning Administrator shall transmit to the Board of Supervisors copies of the application including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's or Zoning Administrator's decision. *(Amended by Ord. 4227, 6/18/96)*
4. The Board of Supervisors hearing shall be *de novo* and the Board shall affirm, reverse, or modify the decision of the Planning Commission or Zoning Administrator at a regular public hearing. Notice of the time and place of the public hearing shall be given in the manner prescribed in Sec. 35-181.2., however notice shall also be mailed to the appellant. *(Amended by Ord. 4227, 6/18/96)*

Sec. 35-182.4. Appeals to the Coastal Commission.

(Amended by Ord. 3483 1/14/85)

1. For developments which are subject to the appeals jurisdiction of the Coastal Commission under PRC § 30603, an action by the Board of Supervisors may be appealed to the California Coastal Commission within ten (10) working days from the date of receipt by the Commission of the County's notice of final action by the applicant, an aggrieved person, or any two members of the Coastal Commission. Appeals must be in writing to the appropriate Coastal Commission district office. No appeal may be filed with the Coastal Commission until local appeals have been exhausted on the project permit. *(Amended by Ord. 4227, 6/18/96)*
2. In accordance with Public Resources Code § 30603(a), an action taken by the County of Santa Barbara on a Coastal Development Permit application for any of the following may be appealed to the Coastal Commission.

- a. Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as indicated on the official County appeals zone maps.
 - b. Developments approved by the County not included within paragraph (a) of this section located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff, as indicated on the official County appeals zone map or as determined by the State Lands Commission.
 - c. Developments approved by the County that require a Conditional Use Permit (CUP).
 - d. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in Public Resources Code § 30603(a) (5) and this Article shall mean any proposed public works project or energy facility exceeding \$50,000 in estimated cost of construction.
3. Grounds of Appeal.
- a. The grounds of appeal for any development appealable under 2.a., of this Section shall be limited to one or more of the following:
 - 1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses.
 - 2) The development fails to protect public views from any road or from a recreation area to, and along, the coast.
 - 3) The development is not compatible with the established physical scale of the area.
 - 4) The development may significantly alter existing natural landforms.
 - 5) The development does not comply with shoreline erosion and geologic setback requirements.
 - 6) The development is not in conformity with the Local Coastal Program.
 - b. The grounds of appeal for any development appealable under 2.b.c., and d. of this section shall be limited to whether development is in conformity with the Local Coastal Program.

Sec. 35-183. Re-Applications.

No application shall be accepted nor acted upon if within the past one (1) year, application has been made and denied by the Planning Commission, Zoning Administrator or the Board of Supervisors, which covers substantially the same real property, and which requests approval of substantially the same project unless either the Planning Commission, Zoning Administrator, or the Board of Supervisors permits such re-application because of an express finding that one or more of the following applies:

1. That new evidence or material to a revised decision will be presented which was unavailable or unknown to the applicant at the previous hearings and which could not have been discovered in the exercise of reasonable diligence by the applicant.
2. That there has been a substantial and permanent change of circumstances since the previous hearings, which materially affects the applicant's real property.
3. That a mistake was made at the previous hearings which was a material factor in the denial or denials of the previous application.

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Sec. 35-184. Board of Architectural Review.

Sec. 35-184.1. Purpose and Intent.

The purpose of the Board of Architectural Review is to encourage developments which exemplify the best professional design practices so as to enhance visual quality of the environment, benefit surrounding property values, and prevent poor quality of design in the exterior appearance of developments.

Sec. 35-184.2. Applicability.

The existing County Board of Architectural Review (B.A.R.) as established in Ordinance 2188, Sections 2-32.2 - 2-32.11, shall govern the provisions of this section.

The provisions of this section shall apply to the following:

1. Any structure or sign which lies within the D-Design Control Overlay District.
2. Any structure or sign requiring Board of Architectural Review approval as specifically provided under the applicable zoning district regulations, or the County Sign Ordinance.
3. Any use requiring architectural approval as specifically provided by the Planning Commission or the Board of Supervisors.
4. Any structure or sign to be erected located in the Montecito Planning Area as shown on the Coastal Land Use Plan Maps.
5. All new walls of any height when part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, will be included as part of the architectural review of the project.
6. Any residential structure on a lot adjacent to the sea.
7. Any structure which falls under the jurisdiction of the Hillside and Ridgeline Development Guidelines, as authorized by this Article.
8. Communication facilities as specified in Sec. 35-144F. *(Added by Ord. 4263, 6/24/97)*

Sec. 35-184.3. Exceptions.

(Amended by Ord. 3853, 3/20/90)

No Board of Architectural Review approval is required for the following:

1. Interior alterations.
2. Decks
3. Swimming pools, hot tubs, and spas.

4. Fences or walls six (6) feet or less and gateposts of eight (8) feet or less in height when located in the front yard setback. Fences and walls of eight (8) feet or less and gateposts of ten (10) feet or less in height when located outside of front yard setback areas and not closer than twenty (20) feet from the right-of-way of any street. However, when a part of the overall plans of a new residence, a remodeling, or an addition to a structure requiring architectural review, such structures shall be included as part of the architectural review of the project. *(Amended by Ord. 3978, 2/21/92)*
5. Solar panels.
6. Any other exterior alteration determined to be minor by the Director.

Sec. 35-184.4. Contents of Application.

1. Prior to issuance of any permits for development subject to Board of Architectural Review, as many copies of the B.A.R. application as may be required shall be filed with the Planning and Development Department. The application shall be accompanied by the following:
 - a. Site plan, drawn to scale, showing:
 - 1) Location of all proposed structures.
 - 2) Location of any existing trees and structures.
 - 3) Location, dimensions, and names of abutting streets and highways.
 - 4) Location of off-street parking and loading facilities.
 - 5) Location of points of entry and exit for vehicles and internal circulation patterns.
 - 6) Location of proposed and existing walls and fences and their height and material of construction.
 - 7) Exterior lighting standards and devices.
 - 8) Grading and slopes where these affected the relationship of the buildings.
 - b. Architectural drawings consisting of:
 - 1) Building elevations to include all sides of development.
 - 2) Roof plan of proposed building(s).

- c. Landscape plan, where applicable including the plant names.
 - d. Color and texture chips or actual samples of materials.
 - e. Colored photographs in cases where there are proposed additions to an existing development, attached or detached.
 - f. Any other information that the Planning and Development Department deems necessary.
2. An application for approval of a sign shall contain the "Required Information" as provided in Sections 35-9 or 35-10 of the Sign Regulations of the County of Santa Barbara.

Sec. 35-184.5. Processing.

1. The Board of Architectural Review shall review and approve, disapprove, or conditionally approve the application submittal. In addition, the B.A.R. shall render its advice on exterior architecture of buildings, structures, and signs to the Planning Commission or Board or Supervisors when requested by such bodies.
2. Applications for Preliminary and Final review by the Board of Architectural Review shall be accepted only if the application is accompanied by a development application or if the Department is processing an existing development application for the proposed project. *(Added by Ord. 4318, 6/23/98)*

Sec. 35-184.6. Findings Required for Approval.

Prior to approving any B.A.R. application the Board of Architectural Review shall first make the following findings:

1. In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
2. In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

3. Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers or signs) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.
(Amended by Ord. 4067, 8/18/92)
4. Mechanical and electrical equipment is well coordinated in the total design concept.
5. There is harmony of material, color, and composition of all sides of a structure or building.
6. A limited number of materials will be on the exterior face of the building or structure.
7. There is a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.
8. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, respecting the environmental qualities, open spaces, and topography of the property.
9. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provisions for maintenance of all planting.
10. Good design and appropriateness of signs as well as their lighting.
11. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Sec. 35-144a of this Article.
(Amended by Ord. 3978, 2/21/92)
12. Other 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)

Sec. 35-184.7. Appeals.

Decisions of the Board of Architectural Review are final unless, within 10 days after the decision, the applicant or a property owner whose property is adversely affected by said decision appeals the decision to the Planning Commission as provided in Sec. 35-182.2. (Appeals).

Sec. 35-184.8. Expiration (Added by Ord. 4318, 6/23/98)

All Board of Architectural Review approvals granted prior to the effective date of this section shall expire two years from such date or on the date the associated development permit expires, including time extensions, whichever occurs later. Board of Architectural Review approvals granted subsequent to the effective date of this section shall expire the date the associated development permit (e.g., Coastal Development Permit, Development Plan), including time extensions, expires. Where no development permit exists, Board of Architectural Review approvals shall expire two years from the date of approval, except the Director may grant an extension of the approval if an active development application is being processed by Planning and Development.

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Sec. 35-185. Enforcement, Legal Procedures, and Penalties.

(Amended by Ord. 3508, 5/6/85)

Sec. 35-185.1. Investigation.

The Director, or any person within the Department of Planning and Development authorized by the Director, is hereby authorized to investigate all reported or apparent violations of any of the provisions of this Article. If a violation is determined to exist or to be impending, the Director is hereby authorized to take such measures as he deems necessary or expedient to enforce and secure compliance with the provisions of this Article.

1. Director defined.

As used in this section, the term "Director" refers to the Director of the Planning and Development Department and also to any person within the Department of Planning and Development who is authorized by the Director to act on his or her behalf.

2. Cooperation of other officials.

The Director or his or her agents may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of their duties.

3. Right of entry and inspection.

The Director may enter at all reasonable times any building, structure, or premises in the County of Santa Barbara for the purpose of carrying out any act necessary to perform any duty imposed by this Article. Upon request the Director shall provide adequate identification. Except under exigent circumstances, an inspection warrant shall be obtained if entry is refused.

4. Liability.

The Director or any other person charged with the enforcement of this Article, if acting in good faith and within the course and scope of his or her employment, shall not thereby be liable personally, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of his or her duties. Any suit brought against the Director, or his or her agents or employees, because of such act

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or omission, performed in the enforcement of any provision of this Article, shall be defended by the County Counsel of Santa Barbara County.

Sec. 35-185.2. Work Stoppage.

Where any building construction work is being done contrary to the provisions of this Article, the Director may order the work stopped by giving notice in writing and serving such notice and order on any persons engaged in doing or causing such work to be done. Any such persons, their agents, employees, or servants, shall forthwith stop such work until such time as recommencement is authorized by the Director.

Sec. 35-185.3. Referral for Legal Action.

If unable to otherwise enforce the terms of this Article, the Director shall refer the matter to the District Attorney and/or County Counsel of the County of Santa Barbara for appropriate legal action.

Sec. 35-185.4. Legal Actions.

1. Civil Actions.

a. Public Nuisance

Any building or structure which is set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Article, and any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this Article, shall be and the same is hereby declared to be unlawful and a public nuisance.

b. Injunctive Relief.

Whenever, in the judgment of the Director, any person, firm, or corporation has engaged in or is about to engage in any act or practice which constitute or will constitute a violation of any provision of this Article or any rule, regulation, order, or permit issued thereunder, and at the request of the Director, the District Attorney or County Counsel of the County may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the department that such person, firm, or corporation has engaged in or is about to engage in

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any such act or practice, a permanent or temporary injunction, restraining order, or other order may be granted.

c. Abatement.

In the event that any person, firm, or corporation shall fail to abate a violation hereunder, after notice of same and opportunity to correct or end the violation, the Director of the Planning and Development Department may request the County Counsel or District Attorney to apply to the Superior Court of this County for an order authorizing the Planning and Development Department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of such undertaking.

2. Civil Remedies and Penalties.

a. Civil Penalties.

Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates the provisions of this Article or any rule, regulation, order, or permit issued thereunder, shall be liable for a civil penalty not to exceed \$25,000.00 for each day that the violation continues to exist.

b. Costs and Damages.

Any person, whether as principal, agent, employee, or otherwise, violating any provisions of this Article on the rules, regulations, orders, or permits issued hereunder, shall be liable to the County of Santa Barbara for the costs incurred and the damages suffered by the County, its agents, and agencies as a direct and proximate result of such violations.

c. Procedure.

In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by defendant.

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3. Criminal Actions and Penalties.

a. Infractions.

Any person, firm, or corporation, whether as a principal, agent, employee, or otherwise, violating any provisions of this Article, or the rules, regulations, orders, or permits issued thereunder, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by 1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; 2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one year; and 3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.

b. Misdemeanors.

Any offense which would otherwise be an infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this Article within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this Article within the 24-month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor the punishment shall be a fine of not less than \$500.00 nor more than \$25,000.00 or imprisonment in the County jail for a period not to exceed 60 days or by both such fine and imprisonment, except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury, the punishment shall be a fine of no less than \$1,000.00 nor more than \$25,000.00 or by imprisonment in the County jail for a period not to exceed six months or by both such fine and imprisonment.

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c. Violations.

Each and every day during any portion of which any violation of this Article or the rules, regulations, orders, or permits issued thereunder, is committed, continued or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense.

Sec. 35-185.5. Cumulative Remedies and Penalties.

The remedies or penalties provided by this Article are cumulative to each other and to the remedies or penalties available under all other laws of this state.

Sec. 35-185.6. Recovery of Costs.

(Added by Ord. 3597, 10/6/86)

1. Purpose and Intent.

This section establishes procedures for the recovery of administrative costs, including staff time expended on the enforcement of the provisions of this Article in cases where no permit is required in order to cure a violation. The intent of this section is to recoup administrative costs reasonably related to enforcement.

2. Definitions. *(Amended by Ord. 4298, 3/24/98)*

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them herein.

Owner: The record owner or any person having possession and control of the subject property;

Costs: Administrative costs, including staff time expended and reasonably related to enforcement for items including site inspections, summaries, reports, telephone contacts, correspondence with the owner and any concerned citizens or officials, and related travel time.

3. The Department of Planning and Development shall maintain records of all administrative costs, incurred by responsible County Departments, associated with the processing of violations and enforcement of this Article and shall recover such

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costs from the property owner as provided herein. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors.

4. Notice. Upon investigation and a determination that a violation of any of the provisions of this Article is found to exist, the Director, or any person within the department authorized by the Director, shall notify the record owner or any person having possession or control of the subject property by mail of the existence of the violation, the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections thereto.

The notice shall be in substantially the following form:

<p style="text-align: center;"><i>NOTICE</i></p> <p><i>The Department of Planning and Development has determined that conditions exist at the property at _____ which violate Section _____ of the County Code, to wit:</i></p> <p><i>(description of violation)</i></p> <p>_____</p> <p>_____</p> <p><i>Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of this violation, at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is ___ per hour of staff time. You will have the right to object to these charges by filing a Request for Hearing with the Department of Planning and Development within ten (10) days of service of the summary of charges, pursuant to Section 185.6.6.</i></p>

5. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject property by certified mail. Said summary shall include a notice in substantially the following form:

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NOTICE

If you object to these charges you must file a Request for Hearing on the enclosed form within ten (10) days of the date of this notice.

IF YOU FAIL TO TIMELY REQUEST A HEARING, YOUR RIGHT TO OBJECT WILL BE WAIVED AND YOU WILL BE LIABLE TO THE COUNTY FOR THESE CHARGES, TO BE RECOVERED IN A CIVIL ACTION IN THE NAME OF THE COUNTY, IN ANY COURT OF COMPETENT JURISDICTION WITHIN THE COUNTY.

Dated: _____

Director

In the event that (a) no Request for Hearing is timely filed or, (b) after a hearing the Director affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the summary or any lesser amount as determined by the Director. These costs shall be recoverable in a civil action in the name of the County, in any court of competent jurisdiction within the County.

6. Any property owner, or other person having possession and control thereof, who receives a summary of costs under this section shall have the right to a hearing before the Director on his objections to the proposed costs in accordance with the procedures set forth herein.
 - a. A request for hearing shall be filed with the department within ten (10) days of the service by mail of the Department's summary of costs, on a form provided by the Department.
 - b. Within thirty (30) days of the filing of the request, and on ten (10) days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine the validity thereof.
 - c. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: Whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; the degree of cooperation provided by the owner; whether reasonable minds can differ as to whether a violation exists.

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- d. The Director's decision shall be appealable to the Board of Supervisors pursuant to § 35-182.3.

Sec. 35-185.7. Processing Fee Assessment

(Added by Ord. 3597, 10/6/86)

Any person who shall erect, construct, alter, enlarge, move or maintain any building or structure, or institute a use for which a permit is required by this Article without first having obtained a permit therefor, shall, if subsequently granted a permit for that building, structure or use, or any related building, structure or use on the property, first pay such additional permit processing fees as established from time to time by the Board of Supervisors.

Sec. 35-185.8. Violations of Conditions--Penalty

(Added by Ord. 3597, 10/6/86)

If any portion of a privilege authorized by a Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Plan or other permit approved under this chapter is utilized, the conditions of the Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Plan or other permit approved under this chapter, immediately become effective and must be strictly complied with. The violation of any valid condition imposed by the Planning Commission, Board of Supervisors, Zoning Administrator, or Planning and Development Department in connection with the granting of any Modification, Coastal Development Permit, Variance, Conditional Use Permit, Development Permit, or other permit taken pursuant to the authority of Chapter 35, shall constitute a violation and shall be subject to the same penalties as defined in Section 35-185.

Sec. 35-186. Validity.

If any division, section, sentence, clause or phrase of this Article is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Article. the Board of Supervisors hereby declares that it would have passed this article and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

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