

## DIVISION 5.

### OVERLAY DISTRICTS.

#### **Sec. 35-94. SD Site Design Overlay District.**

##### *Sec. 35-94.1. Purpose and Intent.*

The purpose of this overlay district is to ensure well-planned divisions of large lots which are zoned for large lot single-family residential uses (i.e., 1-E-1, 3-E-1, EX-1, and RR) and to avoid piecemeal subdivision of such lots which could result in resource degradation and the creation of lots which are unsuited for development. Therefore, it is the intent of this overlay district to provide conceptual review and consideration by the County of the ultimate division of a lot at the time any land division is proposed.

##### *Sec. 35-94.2. Affect of SD Overlay District.*

For land zoned SD, the regulations of the SD apply only to applications for land divisions and no division of such land shall be approved unless consistent with the regulations of the SD. Within the SD, minimum lot size, minimum lot width, uses permitted, and all other regulations of the base zone district are also applicable to the land.

##### *Sec. 35-94.3. Processing.*

1. For land subject to the Site Design Overlay District, an application for any land division shall be accompanied by a site design plan showing the ultimate parcelization of the subject land unless the proposed land division is for the ultimate parcelization or such a site design plan has been previously approved for the land.
2. In addition to the application requirements for the proposed land division required under County Subdivision regulations in Chapter 21 of this Code, subdividers shall submit a site design plan showing:
  - a. The proposed lot lines of the ultimate lots.

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- b. Contour lines.
  - c. Proposed circulation patterns for the ultimate lots.
  - d. Locations of significant existing vegetation and sensitive habitat areas, e.g., unusual species, native habitats, and riparian vegetation.
  - e. Areas within the 100-year flood plain.
  - f. Areas subject to geologic hazards.
  - g. A general indication of the potential building sites.
  - h. Other information may be deemed necessary for proper review and required depending on the particular circumstances and location of the lots.

***Sec. 35-94.4. Action.***

1. Planning and Development Department shall submit the proposed site design plan and land division to the Subdivision Committee and said Subdivision Committee shall consider the proposed land division along with the site design plan and make recommendations to the Planning Commission.
2. At a noticed public hearing, the Planning Commission shall consider and conceptually approve, modify, or disapprove the proposed site design plan. At the same public hearing, the Planning Commission may approve, conditionally approve, or deny the proposed land division, but the proposed land division shall not be approved unless the Planning Commission gives conceptual approval to the site design plan and finds that the proposed land division is consistent with the site design plan. In no case shall conceptual approval of the site design plan by the Planning Commission be deemed to commit the County to final approval of any land division.
3. A copy of the approved site design plan shall be kept on file in the Planning and Development Department. When a site design plan has been conceptually approved for a lot, all future land divisions shall be in conformance with the approved site design plan for that lot.
4. Any amendments to the site design plan shall be processed in the same manner as the original site design plan. The Planning Commission shall not approve any site design plan amendments unless such amended site design plan is in conformance

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with any previously approved land divisions which were found to be in conformance with the previously approved site design plan. When a site design plan has been approved for a lot and the lot is subsequently rezoned, the site design plan shall become null and void.

***Sec. 35-94.5. Findings Required for Conceptual Approval of Site Design Plan.***

Prior to conceptual approval of a site design plan for any lot within this District, the Planning Commission shall make the following findings:

1. That the lot is physically suitable for the density proposed under the site design plan.
2. That all proposed lots shown on the site design plan have adequate building sites and road access.
3. That the design of and creation of the lots according to the site design plan is consistent with the protection of environmentally sensitive habitat areas and agricultural lands, avoidance of flood, fire, and geologic hazards, and protection of hillsides and watersheds.

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**Sec. 35-95. FA Flood Hazard Area Overlay District.*****Sec. 35-95.1. Purpose and Intent.***

The purpose of this overlay district is to promote the public health, safety, and welfare, and to minimize public and private losses due to flood conditions in areas within the 100-year flood plain (the flood having a one percent chance of being equalled or exceeded in any given year). The intent of this district is to avoid exposing new development to flood hazard and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year flood plain.

***Sec. 35-95.2. Affect of the FA Overlay District.***

Within the FA Overlay District, all uses of land shall comply with the regulations of the base zone district and any "development" as defined in Chapter 15A, Flood Plain Management of the County Code shall comply with the additional regulations set forth in said chapter.

***Sec. 35-95.3. Processing.***

All development subject to the provisions of this overlay district shall be referred to the County Building Official for issuance of a "Development Permit" under the provisions of Chapter 15A, Flood Plain Management of the County Code prior to the issuance of any coastal development permits by the Planning and Development Department. If the Building Official, after referral to and recommendation from the Flood Control and Water Conservation District, determines that the proposed development is not within the 100-year flood plain (or area of special flood hazard as defined in Chapter 15A), no "Development Permit" as defined under Chapter 15A shall be required.

After obtaining the "Development Permit" or receiving exemption from the said Flood Control District, the proposed development shall be subject to the coastal development permit procedures as required in the applicable base zone district.

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**Sec. 35-96. VC View Corridor Overlay District.*****Sec. 35-96.1. Purpose and Intent.***

The purpose of this overlay district is to protect significant coastal view corridors from U. S. 101 to the ocean in areas of the County where such view corridors currently exist.

***Sec. 35-96.2. Affect of VC Overlay District.***

Within the VC Overlay District, all uses of land shall comply with the regulations of the base zone district and any structural development shall comply with the additional standards set forth in this section.

***Sec. 35-96.3. Processing.***

1. Any structural development in areas within the View Corridor Overlay district shall be subject to approval by the Board of Architectural Review prior to issuance of a Coastal Development Permit.
2. The application to the Board of Architectural Review shall include a plot plan showing any landscaping, finished building elevations, data showing the proposed color scheme, materials of construction, and a drawing to scale showing any signs to be erected, attached to or painted on such structure.
3. The Board of Architectural Review shall approve the plans if it finds conformance with the following standards:
  - a. Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible.
  - b. Building height shall not exceed 15 feet above average finished grades, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean, in which case the height limitations of the base zone district shall apply.
  - c. Structures shall not be of an unsightly or undesirable appearance.
4. If, after review, the Board of Architectural Review determines that the proposed structure(s) obstructs views to the ocean, are of a height or scale so as to be

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inharmonious with the surrounding area, or are of an undesirable or unsightly appearance, the Board of Architectural Review shall confer with the applicant in an attempt to bring the plans into conformance with the standards listed above. If the plans are not brought into conformance with said standards, the Board of Architectural Review shall disapprove the plans and no Coastal Development Permit shall be issued.

5. If the applicant is not satisfied with the action of the Board of Architectural Review, the applicant may within 10 days after the action of the Board of Architectural Review appeal in writing to the Planning Commission in accordance with the provisions of Sec. 35-182.2. (Appeals). The Planning Commission shall hold a public hearing on said appeal. If the appeal is granted by the Planning Commission, the Coastal Development Permit shall be issued provided all other requirements of this Article have been met.



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## **Sec. 35-97. ESH Environmentally Sensitive Habitat Area Overlay District.**

### ***Sec. 35-97.1. Purpose and Intent.***

Within the County of Santa Barbara there are areas which contain unique natural resources and/or endangered species of animal or plant life and existing and potential development may have the impact of despoiling or eliminating these resources. The purpose of this overlay district is to protect and preserve areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem and which could be easily disturbed or degraded by human activities and developments. The intent of this overlay district is to ensure that all development in such areas is designed and carried out in a manner that will provide maximum protection to sensitive habitat areas.

### ***Sec. 35-97.2. Applicability and District Boundaries as a Guide.***

The provisions of this overlay district shall apply to land or water zoned ESH on the applicable Santa Barbara County Zoning Map. For purposes of determining the application of this overlay district to any lot of land or water, the zoning maps shall be the guide. If the habitat area delineated on the applicable zoning maps is determined by the Coastal Planner not to be located on the particular lot or lots, the regulations of this overlay district shall not apply.

### ***Sec. 35-97.3. Identification of Newly Documented Sensitive Habitat Areas.***

If a newly documented environmentally sensitive habitat area, which is not included in the ESH Overlay District, is identified by the County on a lot or lots during application review, the provisions of Secs. 35-97.7. - 35-97.19. shall apply. The County will periodically update the application of the ESH Overlay District to incorporate these new habitat areas (including the 250 foot area around the habitat).

### ***Sec. 35-97.4. Affect of ESH Overlay District.***

Within the ESH Overlay District, all uses of land or water shall comply with the regulations of the base zone district. In addition, such uses must comply with the additional regulations of the ESH Overlay District before the issuance of a coastal development permit under Sec. 35-169. See Sec. 35-53. concerning conflict between provisions of ESH and base zone district.

*Sec. 35-97.5. Processing.*

In addition to the application requirements of the base zone district, applications for a coastal development permit for any development in the ESH Overlay District shall include:

1. A description of the flora and fauna which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant and animal species or their habitats may be found on the site.
2. A delineation of all streams, rivers, water bodies, and wetlands located on the site.
3. A clear delineation of all areas which shall be graded, paved, surfaced, or covered with structures, including description of the surfacing material to be used.
4. Any other information pertinent to the particular development which might be necessary for the review of the project requested by the Planning and Development Department.

Upon receipt of an application for development within the ESH Overlay District, the Coastal Planner shall determine the potential of the proposed development to adversely impact an environmentally sensitive habitat area. If the proposed development is exempt from CEQA and is determined by the Coastal Planner to have no potential for adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the permit.

If the proposed development is exempt from CEQA and the Coastal Planner determines that the proposed development has potential for adverse impacts on an environmentally sensitive habitat area, the project shall be processed through environmental review and where necessary, a site inspection by a qualified biologist to be selected jointly by the County and the applicant shall be required. If the environmental document indicates that the development has no significant unavoidable adverse impacts on an environmentally sensitive habitat area and meets all the other requirements for a coastal development permit, the Coastal Planner shall issue the coastal development permit with appropriate conditions if necessary. If the environmental document indicates that the development has significant unavoidable adverse impacts on an environmentally sensitive habitat area, the

Coastal Planner shall refer the project to the Planning Commission for decision after a noticed public hearing.

***Sec. 35-97.6. Finding Required for Approval of Coastal Development Permits.***

Prior to issuance of a coastal development permit for any development within the ESH Overlay District, a finding shall be made that the proposed development meets all applicable development standards in Secs. 35-97.8. through 35-97.19.

***Sec. 35-97.7. Conditions on Coastal Development Permits in ESH.***

A coastal development permit may be issued subject to compliance with conditions set forth in the permit which are necessary to ensure protection of the habitat area(s). Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, or require the alteration of the design of the development to ensure protection of the habitat. The conditions may also include deed restrictions and conservation and resource easements. Any regulation, except the permitted or conditionally permitted uses, of the base zone district may be altered in furtherance of the purpose of this overlay district by express condition in the permit.

***Sec. 35-97.8. Development Standards for Dune Habitats.***

1. Because of their State-wide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses. Sand mining and oil well drilling may be permitted if it can be shown that no alternative location is feasible and such development is sited and designed to minimize impacts on dune vegetation and animal species. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of development approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.
2. All non-authorized motor vehicles shall be banned from beach and dune areas.
3. All permitted industrial and recreational uses shall be regulated both during construction and operation to protect critical bird habitats during breeding and nesting seasons. Controls may include restriction of access, noise abatement, and restrictions on hours of operations of public or private facilities.

4. For all permitted uses, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary, well-defined footpaths shall be developed and used.

*Sec. 35-97.9. Development Standards for Wetland Habitats.*

1. All diking, dredging, and filling activities shall conform to the provisions of PRC §§ 30233 and 30607.1 of the Coastal Act. Presently permitted maintenance dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat, shall be subject to the following conditions:
  - a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
  - b. Dredging shall be limited to the smallest area feasible.
  - c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, diapers, and weirs to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials. During permitted dredging operations, dredge spoils may only be temporarily stored on existing dikes, or on designated spoil storage areas, except in the Atascadero Creek area (including San Jose and San Pedro Creeks) where spoils may be stored on existing storage areas as delineated on the Spoil Storage Map dated February 1981. (Projects which result in discharge of water into a wetland require a permit from the California Regional Water Quality Control Board.
2. Dredge spoils shall not be deposited permanently in areas subject to tidal influence or in areas where public access would be significantly adversely affected. When feasible, spoils should be deposited in the littoral drift, except when contaminants would adversely affect water quality or marine habitats, or on the beach.
3. Except in Ocean Beach County Park, boating shall be prohibited in all wetland areas except for research or maintenance purposes.

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4. Except for lots which abut the El Estero (Carpinteria Slough), a buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in paragraph 5 of this Section, below. The upland limit of a wetland shall be defined as:
    - a. The boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; or
    - b. The boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
    - c. In the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not. Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or manmade features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.
  5. Light recreation such as bird-watching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.
  6. Wastewater shall not be discharged into any wetland without a permit from the California Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.
  7. Wetland sandbars may be dredged, when permitted pursuant to paragraph 1 of this Section and when necessary for maintenance of tidal flow to ensure the continued biological productivity of the wetland.

8. No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.
9. New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.
10. Mosquito abatement practices shall be limited to the minimum necessary to protect health and prevent damage to natural resources. Spraying shall be avoided during nesting seasons to protect wildlife, especially the endangered light-footed clapper rail and Belding's savannah sparrow. Biological controls are encouraged.
11. No grazing or other agricultural uses shall be permitted in coastal wetlands except at the mouth of the Santa Maria River.

***Sec. 35-97.10. Development Standards for Native Grassland Habitats.***

1. Grazing shall be managed to protect native grassland habitats.
2. Development shall be sited and designed to protect native grassland areas.

***Sec. 35-97.11. Development Standards for Vernal Pool Habitats.***

1. No mosquito control activity shall be carried out in vernal pools unless it is required to avoid severe nuisance.
2. Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.
3. Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.

***Sec. 35-97.12. Development Standards for Butterfly Tree Habitats.***

1. Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.
2. Adjacent development shall be set back a minimum of 50 feet from the trees.

***Sec. 35-97.13. Development Standards for Marine Mammal Rookery and Hauling Ground Habitats.***

1. Recreational activities near or on areas used for marine mammal hauling grounds shall be carefully monitored to ensure continued viability of these habitats.
2. Marine mammal rookeries shall not be altered or disturbed by recreational, industrial, or any other uses during the times of the year when such areas are in use for reproductive activities, i.e., mating, pupping, and pup care.

NOTE: At present, the only marine mammal rookeries in Santa Barbara County are harbor seal rookeries on the mainland and Santa Cruz and Santa Rosa Islands. There is the possibility that other species of marine mammals may establish rookeries in other areas in the future, particularly on the Islands.

Times of year when marine mammals use rookery areas:

Harbor seals: February through April.

Northern Elephant seals: Mid-December through February.

Sea Lions and fur seals: May through September.

***Sec. 35-97.14. Development Standards for White-Tailed Kite Habitats.***

1. There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.
2. Recreational use of the roosting and nesting area shall be minimal, i.e., walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.
3. Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.
4. In addition to preserving the ravine plant communities on More Mesa for nesting and roosting sites, the maximum feasible area shall be retained in grassland to provide feeding area for the kites.

***Sec. 35-97.15. Development Standards for Rocky Points and Intertidal Habitats.***

1. In order to prevent destruction of organisms which thrive in intertidal areas, no unauthorized vehicles shall be allowed on beaches adjacent to intertidal areas.
2. Only light recreational uses shall be permitted on public beaches which include or are adjacent to rocky points or intertidal areas.

3. Shoreline structures, including piers, groins, breakwaters, drainages, seawalls, and pipelines, should be sited or routed to avoid significant rocky points and intertidal areas.

***Sec. 35-97.16. Development Standards for Subtidal Reef Habitats.***

1. Naples reef shall be maintained primarily as a site for scientific research and education. Recreational and commercial uses shall be permitted as long as such uses do not result in depletion of marine resources. If evidence of depletion is found, the County shall work with the California Department of Fish and Game and sport and commercial fishing groups to assess the extent of damage and implement mitigating measures.

***Sec. 35-97.17. Development Standards for Seabirds Nesting and Roosting Site Habitats.***

Recreational activities near areas used for roosting and nesting shall be controlled to avoid disturbance to seabird populations, particularly during nesting season.

***Sec. 35-97.18. Development Standards for Native Plant Community Habitats.***

Examples of such native plant communities are: coastal sage scrub, chaparral, coastal bluff, closed cone pine forest, California native oak woodland (also individual oak trees), endangered and rare plant species as designated by the California Native Plant Society, and other plants of special interest such as endemics.

1. Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.
2. When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.



*Sec. 35-97.19. Development Standards for Stream Habitats.*

1. The minimum buffer strip for streams in rural areas, as defined by the Coastal Land Use Plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the California Department of Fish and Game and California Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:
  - a. Soil type and stability of stream corridors.
  - b. How surface water filters into the ground.
  - c. Slope of land on either side of the stream.
  - d. Location of the 100-year flood plain boundary.Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the re-establishment of riparian vegetation to its prior extent to the greatest degree possible.
2. No structures shall be located within the stream corridor except: public trails, dams for necessary water supply projects; flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.
3. Dams or other structures that would prevent upstream migration of anadromous fish shall not be allowed in streams targeted by the California Department of Fish and Game unless other measures are used to allow fish to bypass obstacles. These streams include: San Antonio Creek (Los Alamos area), Santa Ynez River, Jalama Creek, Santa Anita Creek, Gaviota Creek, and Tecolote Creek.

4. All development, including dredging, filling, and grading within stream corridors shall be limited to activities necessary for the construction of uses specified in paragraph 2 of this Section, above. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.
5. All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.
6. Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the Coastal Zone shall be permitted unless consistent with the provisions of P.R.C. § 30236 of the Coastal Act.

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## **Sec. 35-98. D Design Control Overlay District.**

### ***Sec. 35-98.1. Purpose and Intent.***

The purpose of this district is to designate geographical areas where, due to the existence of visual resources and/or unique neighborhood characteristics, plans for new or altered buildings or structures are subject to Board of Architectural Review. The intent is to ensure well designed developments and to protect scenic qualities, property values, and neighborhood character.

### ***Sec. 35-98.2. Affect of D Overlay District.***

Within the D Overlay District, all uses of land shall comply with the regulations of the base zone district and any new or altered buildings or structures shall comply with the additional regulations of the D Overlay District.

### ***Sec. 35-98.3. Processing.***

Prior to the issuance of any Coastal Development Permit under Sec. 35-169. for development, all plans for new or altered buildings and structures shall be submitted to and approved by the Board of Architectural Review as set forth in Sec. 35-184. (Architectural Review).

### ***Sec. 35-98.4. Setbacks, Height Limit, and other District Requirements.***

As provided in the base zone district, except that when the base zone permits modifications of such requirements by the Director, Zoning Administrator, Planning Commission, or the Board of Architectural Review may recommend such modifications of setbacks, height limits, and other requirements to protect visual resources. (*Amended by Ord. 4227, 6/18/96*)

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**Sec. 35-99. ARC Agriculture-Residential Cluster Overlay District.*****Sec. 35-99.1. Purpose and Intent.***

The purpose of this overlay district is to preserve large non-prime agricultural operations and to avoid subdivision of large ranches down to the specified minimum lot sizes. The intent is to permit residential development at a density greater than that allowed under the existing zoning district while ensuring that such development will be compatible with the long-term preservation of the agricultural operation.

***Sec. 35-99.2. Affect of ARC Overlay District.***

Land zoned ARC must be in large, non-prime agricultural operations of 10,000 acres or more (as described in the Coastal Land Use Plan) in the Gaviota Coast and North Coast planning areas for which the County has not approved land divisions. Within the ARC Overlay District, the permitted and conditionally permitted uses of land and the regulations of the base zone district shall apply as well as the additional permitted uses and regulations of the ARC.

***Sec. 35-99.3. Preliminary Development Plan to be Included in Application for Rezoning.***

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this overlay district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan shall be incorporated into the rezoning ordinance.

***Sec. 35-99.4. Processing.***

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-174. (Development Plans), and with Sec. 35-169. (Coastal Development Permits).

***Sec. 35-99.5. Additional Permitted Uses.***

1. Residential development at a density greater than that allowed under the base zoning district may be permitted but shall be clustered on no more than two percent of the gross acreage of the property. The maximum density permitted shall be calculated at the rate of one dwelling unit per each two acres included in the two percent area. Residential development up to a maximum of one dwelling unit per

each acre included in the two percent area may be permitted provided that the County finds that there is no potential for significant adverse environmental impact with respect to the findings set forth in Sec. 35-99.6., below.

The two percent area is the maximum area that will be permitted to be taken out of agricultural production and committed to residential and related accessory uses. Included in the two percent area calculation are: residential units, new roads (excluding existing paved roads), parking areas, structural coverage for non-agricultural buildings, private open space such as yards or gardens, etc.

2. A minimum of one (1) percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. Said one percent area shall not be required to be a contiguous area.

***Sec. 35-99.6. Findings Required for Approval of Development Plans.***

In addition to the findings for development plans set forth in Sec. 35-174.7. (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Agriculture-Residential Cluster Overlay District, unless the County also makes the following findings:

1. The proposed development will be compatible with the long-term preservation of the agricultural operation.
2. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses; and the existing agricultural operation.
3. The proposed development has been sited and designed so as to: (a) avoid and buffer all prime agricultural areas of the site; (b) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (c) avoid placement of roads or structures on any environmentally sensitive habitat areas; (d) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (e) minimize risks to life and property due to geologic,

flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from the findings under this paragraph 3.)

4. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
5. The conditions, covenants, and restrictions governing the Homeowner's Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

***Sec. 35-99.7. Mandatory Conditions.***

If the County makes the findings listed in Sec. 35-99.6., above, development may be permitted subject to the following mandatory conditions:

1. The residential units shall be clustered to the maximum extent feasible within no more than two (2) percent of the gross acreage of the property so as not to interfere with agricultural production or be inconsistent with the goal of maintaining the rural character of the area
2. A minimum of one (1) percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. The County may require the applicant to construct trails, parking lots, or related public recreational facilities as a condition of development. The locations of such public recreational facilities shall be compatible with the goal of protecting habitat resources and the viability of the existing agricultural operation. Within the one (1) percent area, land shall be reserved for commercial visitor-serving uses at the rate of five acres per 10,000 gross acres of the property for a ten-year period commencing upon the application of this overlay district to the property. Examples of appropriate uses include: rustic lodge or cabins, hostel, campgrounds, etc. Land and access rights for such development may be provided by long-term leases from the Homeowner's Association. At the end of a ten-year period, the land reserved but not developed for the commercial visitor-serving uses may be converted to public recreation and open space if the County makes the finding that commercial uses are not economically feasible.

3. The ownership of the remaining 97 percent of the gross acreage of the property shall be held in common ownership in perpetuity by the members of the Homeowner's Association. The creation of the residential lots shall fully comply with the provisions of the California Subdivision Map Act. Upon creation or sale of residential lots, a capital fund shall be created that will be sufficient to make capital improvements and purchase equipment and materials necessary to ensure continuance of the agricultural operation.
4. Development rights for non-agricultural uses for that portion of the property that will remain in agriculture and development rights for non-commercial visitor-serving uses for that portion of the property to be reserved for commercial visitor-serving uses, i.e., 98 percent of the gross acreage minus the portion to be dedicated for public access and recreation, shall be granted to the County and a third party such as the California Coastal Conservancy free and clear of any financial liens. The portion to remain in agriculture and/or open space shall not be further subdivided.
5. Water and all necessary services shall be allocated to each land use in the following priorities: (a) existing agricultural operations; (b) recreational and visitor-serving uses; and (c) residential development. Water to be reserved for commercial visitor-serving uses shall be in an amount equivalent to that needed for a 100-room hotel or a transient population of 250 persons for each five acres of land reserved for such uses and shall be reserved for the same ten-year period of reservation set aside for such uses. Residential density shall be decreased if necessary to reserve an adequate water supply for agriculture, recreation, and commercial visitor-serving land uses. The EIR on each project shall include an assessment of the potential alternative of intensification of the agricultural operations (e.g., potential for production of higher economic return crops or expansion of existing operations). If this assessment shows that the ranch has good potential for intensification of agriculture without impacting habitat resources, the County shall require the applicant to reserve sufficient water for expanded or intensified agricultural operations.



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6. Initial public capital costs created by the development shall be borne by the applicant. Property tax and other revenues accruing to local government from the development shall be equal to or exceed all costs of providing services such as roads, water, sewers, and fire and police protection.
  7. A Homeowner's Association shall be formed and membership shall be mandatory for each lot buyer and successive buyers. The homeowner's Association shall be responsible for the permanent maintenance of the agricultural and open space areas held in common ownership by the homeowners. An assessment system, or other form of subsidy, shall be required to ensure compliance with this condition.
  8. If a non-agricultural development or portion thereof is determined by the County to be subject to hazards from missile fall-out from Vandenberg Air Force Base, the County shall require the owner and all subsequent owners to execute documents holding the County and State harmless against any liability arising from such an occurrence as a condition of project approval.

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**Sec. 35-100. F Airport Approach Overlay District.**

*(Amended by Ord. 3561, March 17, 1986)*

***Sec. 35-100.1. Purpose and Intent.***

The purpose of this overlay district is to regulate land uses within Airport Clear and Approach Zones consistent with the adopted Airport Land Use Plan for Santa Barbara County, and to limit the height of structures and appurtenances (including vegetation) within these areas. The intent is to protect the safety of people both in the air and on the ground, to reduce and avoid noise and safety conflicts between airport operations and surrounding land uses, and to preserve navigable airspace around the County's airports.

***Sec. 35-100.2. Applicability of the F Overlay District Regulations.***

The provisions of this F Overlay District apply within the Airport Clear and Approach Zones, as such zones are described in Sec. 35-100.3 of these regulations. In addition, the provisions of Sec. 35-100.5.2 apply within the Airport Land Use Commission Planning Boundaries, as such Boundaries are depicted on the maps of the Santa Barbara County Airport Land Use Plan.

Within the areas subject to this overlay district, all uses of land shall comply with the requirements of the applicable base zoning district, provided, however, that all development shall comply with any additional requirements set forth in this overlay district.

In cases where the regulations of this overlay district conflict with the regulations of the base zoning district, the more restrictive regulations shall take precedence.

On properties subject to the F Overlay District, any application for a development permit which is determined by the County to be consistent with the provisions of this overlay district shall not be subject to review by the Santa Barbara County Airport Land Use Commission (ALUC). However, all applications determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be referred to the ALUC for a determination as to whether the application is consistent with the provisions of the Airport Land Use Plan (ALUP) itself. No permits for projects determined by the County to be inconsistent or potentially inconsistent with the provisions of this overlay district shall be approved or recommended for approval until the ALUC has reviewed the application and made its determination of the project's consistency with the

ALUP; however, the failure of the ALUC to render such determination within sixty (60) days of the referral shall be construed as a finding that the proposed development is consistent with the ALUP.

In the case of discretionary permits approved by the Planning Commission and/or Board of Supervisors, as well as both discretionary and ministerial permits heard by either body on appeal, the project may be approved by a majority vote of the total membership of the Commission and/or Board accompanied by findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670.

In all instances where action is proposed to adopt or amend any portion of the Comprehensive Plan and/or any specific plan, zoning ordinance, or building regulation, where such action may apply to any property located within a Clear and/or Approach Zone, the proposed action shall be referred to the ALUC for determination as to the consistency of the proposed action with the adopted ALUP. Any finding by the ALUC that the proposed action is not consistent with the ALUP, including recommended project modifications and/or conditions deemed necessary by the ALUC to ensure consistency of a project with the ALUP, may be overridden only by a two-thirds vote of the total membership of the Board of Supervisors accompanied by findings, based upon substantial evidence in the public record, that the proposed action is consistent with the purpose and intent expressed in Public Utilities Code § 21670.

***Sec. 35-100.3. Description of the Airport Clear and Approach Zones.***

Airport Clear Zones and Airport Approach Zones are subject to particular hazards which necessitate special land use restrictions to promote the public safety and preserve navigable airspace. The following subsections describe the Clear and Approach Zones, and define the boundaries of these Zones for the various runways of Santa Barbara County's airports.

1. Airport Clear Zones, F(CLR).

Airport Clear Zones are located immediately adjacent to the ends of airport runways. The Clear Zone dimensions applicable to each runway of the County's airports are described in Sec. 35-100.3.3. The Clear Zones are depicted on the

County's Comprehensive Plan Land Use Element and zoning maps, and are designated on the zoning maps by the symbol F(CLR).

Airport Clear Zones experience greater noise and safety hazards than Airport Approach Zones, and therefore are subject to more restrictive land use limitations. Land use regulations within the Clear Zones are detailed in Sec. 35-100.4; height restrictions are described in Sec. 35-100.5, and additional land use guidelines are contained in Sec. 35-100.6.

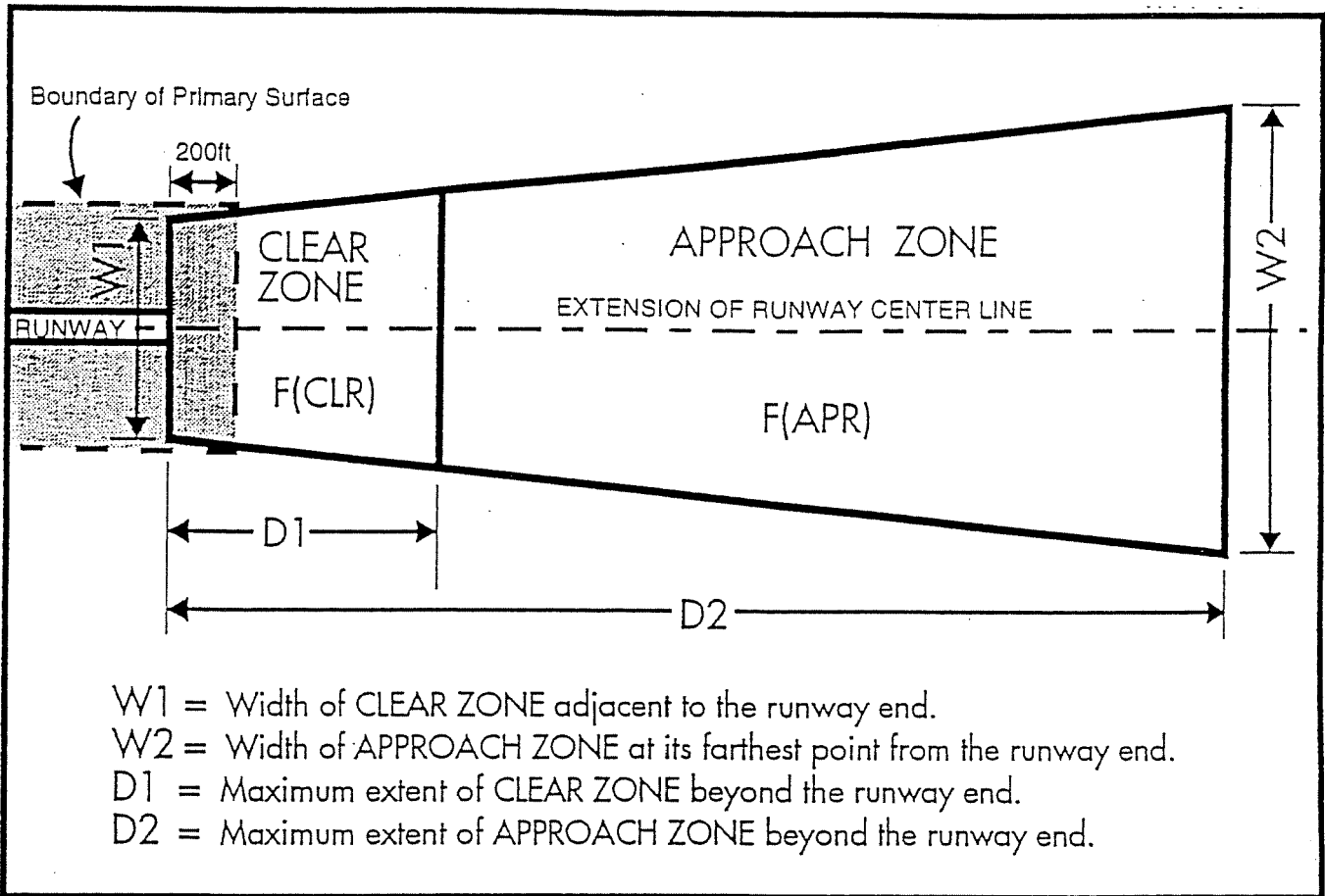
2. Airport Approach Zones, F(APR).

Airport Approach Zones are extensions of the Airport Clear Zones. The Approach Zone dimensions applicable to each runway of the County's airports are described in Sec. 35-100.3.3. The Approach Zones are depicted on the County's Comprehensive Plan Land Use Element and zoning maps, and are designated on the zoning maps by the symbol F(APR). Airport Approach Zones are subject to lesser noise and safety hazards than are Airport Clear Zones, and thus are subject to less restrictive land use limitations. Land use regulations within the Approach Zones are detailed in Sec. 35-100.4; height restrictions are described in Sec. 35-100.5, and additional land use guidelines are contained in Sec. 35-100.6.

3. Physical Dimensions of the Airport Clear and Approach Zones

For the purpose of these overlay district regulations, the Airport Clear and Approach Zones for any given runway form a continuous horizontal plane surface adjacent to the end of the runway. (It must be noted that the ends of runways lie two hundred feet within the ends of a "primary surface" as defined in Part 77.25(c) of the Federal Aviation Regulations (FAR).)

This surface has the geometric form of an Isosceles trapezoid, extending outward from the runway end and bisected by an extension of the runway centerline. The general form and specific dimensions of these Zones for all runways of the County's airports are depicted in the following diagram and table.



**FLIGHT APPROACH FIGURE 5-1**

**TABLE 5-1**  
**Airport Clear and Approach Zones Dimensions**

<u>AIRPORT</u>	<u>RUNWAY</u>	Dimensions (in feet)			
		<u>W1</u>	<u>W2</u>	<u>D1</u>	<u>D2</u>
Santa Barbara	7	940	4,000	2,700	10,200
	25	940	4,000	1,900	10,200
	15-33	460	1,500	1,200	5,200
Santa Maria	12	940	4,000	2,700	10,200
	30	940	4,000	1,900	10,200
	2-20	460	1,500	1,200	5,200
Lompoc	7-25	460	1,500	1,200	5,200
Santa Ynez	8-26	460	1,500	1,200	5,200

It must be noted that the dimensions W1, D1, and D2 in the above table have been adjusted to account for the fact that they are measured from the end of the runway rather than from the end of the primary surface defined in FAR Part 77.25(c). These adjustments have been made so that the CLEAR and APPROACH ZONE dimensions may be measured from commonly mapped and determinate physical features while being coterminous with the CLEAR and APPROACH ZONES defined in the Airport Land Use Plan.

***Sec. 35-100.4. Land Use Regulations within Airport Clear and Approach Zones.***

1. General Land Use Restrictions.

Within both the Airport Clear and Airport Approach Zones, the following uses are not permitted:

- a. Any use which would direct steady or flashing lights at aircraft during initial climb or final approach, other than an FAA approved navigational signal or visual approach slope indicator (VASI);

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- b. Any use which would cause sunlight to be reflected toward an aircraft on initial climb or final approach;
  - c. Any use which would generate smoke or attract large concentrations of birds, or which may otherwise affect safe aviation within the area;
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft, communications, or airport instrumentation. In addition, height restrictions apply within both the Clear and Approach Zones, and certain uses may require an assessment for possible airspace obstruction. Height restrictions and airspace obstruction assessment requirements are contained in Sec. 35-100.5; these restrictions and requirements complement, but do not supersede, the requirements of Federal Aviation Regulations Part 77.

Additional land use regulations specific to either the Airport Clear Zones or Airport Approach Zones are described in the following subsections.

2. Airport Clear Zones.

- a. The following uses are not permitted within the Airport Clear Zones:
  - i. Residential development of any type;
  - ii. Hazardous uses such as above-ground oil, gas, or chemical storage, except as permitted under Sec. 35-100.6.2;
  - iii. Any use which may result in a long or short term concentration of people greater than the ALUC's review threshold of twenty-five (25) persons per gross acre, unless such use is found consistent with the Airport Land Use Plan by the Santa Barbara County ALUC or is approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670.



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- b. The following are examples of uses permitted within the Airport Clear Zones, subject to the general exclusions contained in Sec. 35-100.4.1:
- i. Aeronautical facilities (e.g., instrument landing navigation aids and equipment buildings, visual navigation aids, weather data instruments, fencing and access roadways to protect and serve aeronautical installations, and airport entrance roadways);
  - ii. Open space;
  - iii. Agriculture and agricultural storage;
  - iv. Hay, grain, and feed wholesale yards;
  - v. Wholesale nurseries;
  - vi. Truck, bus, and construction equipment storage yards;
  - vii. Recreational vehicle and boat storage yards;
  - viii. Building materials storage and wholesale yards;
  - ix. Building contractors' yards;
  - x. Parking lots, including those which may serve areas or uses not within airport clear zones;
  - xi. Automobile wrecking yards;
  - xii. Automobile sales display areas;
  - xiii. Mini-storage warehouses;
  - xiv. Any other use which the ALUC finds consistent with the Santa Barbara County Airport Land Use Plan or which is approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670.

3. Airport Approach Zones

The following uses generally are not permitted within one mile of the runway end in the Airport Approach Zones, unless found consistent with the ALUP by the ALUC or approved by the Board of Supervisors upon a two-thirds vote of its total membership with specific findings, based upon substantial evidence in the public

record, that the proposed development is consistent with the purpose and intent expressed in Public Utilities Code § 21670:

- a. Residential development, except for reconstruction, alterations, construction of new single-family homes on existing legal lots, and single-family residential land divisions representing a density less than or equal to four units per gross acre;
- b. Nonresidential development which would result in large concentrations of people (over the ALUC's review threshold of twenty-five (25) persons per gross acre), including but not limited to schools, office buildings, shopping centers, hospitals, and stadiums.

**Sec. 35-100.5. Height Restrictions.**

1. Airport Clear and Approach Zones

Within both the Airport Clear Zones and the Airport Approach Zones, the highest point of any structure or improvement (including vegetation) **above the elevation of the respective runway end** shall not exceed one vertical foot per the following number of feet of horizontal distance between the structure or improvement and the runway end:

<u>Airport</u>	<u>Runway</u>	<u>Horizontal Distance Factor (feet)</u>
Santa Barbara	7	50
	25	34
	15-33	20
Santa Maria	12	50
	30	34
	2-20	20
Lompoc	25	34
	7	20
Santa Ynez	8-26	20

However, this Section shall not prevent the erection or maintenance of a structure or improvement not exceeding fifteen (15) feet in height above the elevation of the runway end.

2. Airport Land Use Commission (ALUC) Planning Boundary

Within the ALUC Planning Boundary shown on the maps of the adopted ALUP, which includes but extends beyond the Clear and Approach Zones, all applications for proposed structures or improvements (including vegetation) exceeding a certain height shall be referred to the ALUC for review and possible subsequent referral to the Federal Aviation Administration (FAA) and the affected airport operator for an assessment of potential airspace obstruction. This referral shall be made for all proposed structures or improvements (including vegetation) having a maximum height above site grade exceeding the **lesser** of:

- a. one (1) vertical foot for each one hundred (100) horizontal feet from the nearest point of the nearest airport runway or helispot, or
- b. forty-five (45) feet.

The purpose of this notification process is to provide a simplified manner for identifying most potential airspace obstructions beyond the boundaries of the Airport Clear and Approach Zones. As such, this process is intended to complement, but not to supersede, related notification requirements specified in the Federal Aviation Regulations (FAR) Part 77. Therefore, this process in no way relieves the applicant of any responsibility for direct notification of the FAA Administrator under FAR Part 77. This procedure is not intended to affect the timing of normal County processing of the development permit application.

***Sec. 35-100.6. Additional Land Use Guidelines.***

1. New residential uses, and the conversion of existing structures to residential condominiums, community apartments, stock cooperatives, limited equity cooperatives, dormitories, or other residential uses, on property subject to these F Overlay District Regulations, shall be approved only with conditions such that:

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- a) All unit(s) and associated structures and areas exposed to airport noise levels of 65 dB  $L_{DN}$  (or CNEL) or greater shall be subject to an aviation/noise easement or easements, which shall be of a form and content approved by the County in consultation with the affected airport operator;
  - b) Any prospective buyer, lessee, or renter shall be notified in writing, prior to entering any sale, lease, or rent contract, if any exterior living areas associated with the unit(s) for sale, lease, or rent are exposed to airport noise levels of 65 dB  $L_{DN}$  (or CNEL) or greater; The State Department of Real Estate's Public Report (for any subdivision, condominium project, etc.) shall disclose whether any units are within a 65+ dB  $L_{DN}$  (or CNEL) airport noise exposure area, and shall refer to any aviation/noise easement(s) affecting the unit(s).
2. Any use located within any Clear Zone which involves the storage of more than ten (10) gallons of flammable liquids or hazardous materials shall, prior to the issuance of a Land Use Permit, be reviewed by the Fire Department(s) providing inspection and/or emergency response service to the site. No Land Use Permit(s) shall be issued unless and until the potential hazards associated with the storage of such materials are mitigated to the reasonable satisfaction of said Fire Department(s).

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**Sec. 35-101. ARC-CI Agriculture-Residential Cluster-Channel Islands Overlay District.*****Sec. 35-101.1. Purpose and Intent.***

The purpose of this overlay district is to preserve the agricultural operations on the Channel Islands and to avoid subdivision of the Islands down to the specified minimum lot sizes. The intent is to permit residential development at a density greater than that allowed under the existing zoning district while ensuring that such development will be compatible with the long-term preservation of the agricultural operation.

***Sec. 35-101.2. Affect of ARC-CI Overlay District.***

Within the ARC-CI Overlay District, the permitted and conditionally permitted uses of land and the regulations of the base zone district shall apply as well as the additional permitted uses and regulations of the ARC-CI Overlay.

***Sec. 35-101.3. Preliminary Development Plan to be Included in Application for Rezoning.***

Unless the Planning Commission expressly waives the requirement, an application for a rezoning to this overlay district shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezoning and Preliminary Development Plan, the Preliminary Development Plan shall be incorporated into the rezoning ordinance.

***Sec. 35-101.4. Processing.***

No permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-174. (Development Plans), and with Sec. 35-169. (Coastal Development Permits).

***Sec. 35-101.5. Additional Permitted Uses.***

1. Residential development at a density greater than that allowed under the base zoning district may be permitted but shall be clustered on no more than two percent of the gross acreage of the property. The maximum density permitted shall be calculated at the rate of one dwelling unit per each two acres included in the two percent area. Residential development up to a maximum of one dwelling unit per each acre included in the two percent area may be permitted provided that the

County finds that there is no potential for significant adverse environmental impact with respect to the findings set forth in Sec. 35-101.6., below.

The two percent area is the maximum area that will be permitted to be taken out of agricultural production and committed to residential and related accessory uses. Included in the two percent area calculation are: residential units, new roads (excluding existing paved roads), parking areas, structural coverage for non-agricultural buildings, private open space such as yards or gardens, etc.

2. A minimum of one (1) percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. Said one percent area shall not be required to be a contiguous area.

***Sec. 35-101.6. Findings Required for Approval of Development Plans.***

In addition to the findings for development plans set forth in Sec. 35-174.7. (Development Plans), no Preliminary or Final Development Plan shall be approved for property zoned or to be rezoned to Agriculture-Residential Cluster-Channel Islands Overlay District, unless the County also makes the following findings:

1. The proposed development will be compatible with the long-term preservation of the agricultural operation.
2. Water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses, and the existing agricultural operation.
3. The proposed development has been sited and designed so as to: (a) avoid and buffer all prime agricultural areas of the site; (b) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads; (c) avoid placement of roads or structures on any environmentally sensitive habitat areas; (d) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (e) minimize risks to life and property due to geologic, flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from the findings under this paragraph 3.

4. The residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
5. The conditions, covenants, and restrictions governing the Homeowner's Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

***Sec. 35-101.7. Mandatory Conditions.***

If the County makes the findings listed in Sec. 35-101.6., above, development may be permitted subject to the following mandatory conditions:

1. The residential units shall be clustered to the maximum extent feasible within no more than two (2) percent of the gross acreage of the property so as not to interfere with agricultural production or be inconsistent with the goal of maintaining the rural character of the area.
2. A minimum of one (1) percent of the gross acreage, including the dry sandy beach, shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. The County may require the applicant to construct trails, parking lots, or related public recreational facilities as a condition of development. The locations of such public recreational facilities shall be compatible with the goal of protecting habitat resources and the viability of the existing agricultural operation. Within the one (1) percent area, land shall be reserved for commercial visitor-serving uses at the rate of five acres per 10,000 gross acres of the property for a ten-year period commencing upon the application of this overlay district to the property. Examples of appropriate uses include: rustic lodge or cabins, hostel, campgrounds, etc. Land and access rights for such development may be provided by long-term leases from the Homeowner's Association. At the end of a ten-year period, the land reserved but not developed for the commercial visitor-serving uses may be converted to public recreation and open space if the County makes the finding that commercial uses are not economically feasible.
3. The ownership of the remaining 97 percent of the gross acreage of the property shall be held in common ownership in perpetuity by the members of the

Homeowner's Association. The creation of the residential lots shall fully comply with the provisions of the California Subdivision Map Act. Upon creation or sale of residential lots, a capital fund shall be created that will be sufficient to make capital improvements and purchase equipment and materials necessary to ensure continuance of the agricultural operation.

4. Development rights for non-agricultural uses for that portion of the property that will remain in agriculture and development rights for non-commercial visitor-serving uses for that portion of the property to be reserved for commercial visitor-serving uses, i.e., 98 percent of the gross acreage minus the portion to be dedicated for public access and recreation, shall be granted to the County and a third party such as the California Coastal Conservancy free and clear of any financial liens. The portion to remain in agriculture and/or open space shall not be further subdivided.
5. Water and all necessary services shall be allocated to each land use in the following priorities: (a) existing agricultural operations; (b) recreational and visitor-serving uses; and (c) residential development. Water to be reserved for commercial visitor-serving uses shall be in an amount equivalent to that needed for a 100-room hotel or a transient population of 250 persons for each five acres of land reserved for such uses and shall be reserved for the same ten-year period of reservation set aside for such uses. Residential density shall be decreased if necessary to reserve an adequate water supply for agriculture, recreation, and commercial visitor-serving land uses. The EIR on each project shall include an assessment of the potential alternative of intensification of the agricultural operations (e.g., potential for production of higher economic return crops or expansion of existing operations). If this assessment shows that the ranch has good potential for intensification of agriculture without impacting habitat resources, the County shall require the applicant to reserve sufficient water for expanded or intensified agricultural operations.
6. Initial public capital costs created by the development shall be borne by the applicant. Property tax and other revenues accruing to local government from the



development shall be equal to or exceed all costs of providing services such as roads, water, sewers, and fire and police protection.

7. A Homeowner's Association shall be formed and membership shall be mandatory for each lot buyer and successive buyers. The Homeowner's Association shall be responsible for the permanent maintenance of the agricultural and open space areas held in common ownership by the homeowners. An assessment system, or other form of subsidy, shall be required to ensure compliance with this condition.

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**Sec. 35-102. Reserved For Future Use**

**AS Antiquated Subdivision Overlay District** *(Deleted by Ord. 4266, 6/24/97)*

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**Sec. 35-102A. SF Single Family Restricted Overlay District**

*(Added by Ord. 3737, 11/21/88)*

***Sec. 35-102A.1. Purpose and Intent***

The purpose of this district is to preserve the character of the single family residential zones in areas subject to strong high density development pressures. The intent of this overlay district is to prevent the development of illegal second units and dormitory-type rental units, and to provide additional on-site parking.

***Sec. 35-102A.2. Effect of SF Overlay District.***

Within the SF Overlay District, all new residential development, additions to, or conversions of residential development shall comply with the regulations of the base zone district and shall comply with the additional regulations of the SF Overlay District.

***Sec. 35-102A.3. Processing.***

1. The site plan required under Section 35-169.4 shall clearly indicate the use, full dimensions, and size of all proposed and existing rooms.
2. In order for a Coastal Development Permit to be issued for the proposed development, addition, or conversion, the following standards shall be complied with:
  - a. Residential development shall be limited to a maximum of four (4) bedrooms and a maximum of 2,000 square feet of living area per lot.
  - b. An additional parking space shall be required for residential development which results in a total of more than 1,800 square feet of living area.
  - c. Bedrooms shall be defined as any room other than a living room, a dining room, a kitchen, or bathrooms.
  - d. Any attic or basement area which meets Uniform Building Code minimum height requirements shall be counted as the interior living portion of a dwelling unit.

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**Sec. 35-102B. Growth Management Overlay (GMO)**

*(Amended by Ord. 3914, 03/12/91)*

***Sec. 35-102B.1. Purpose and Intent.***

The purpose and intent of this overlay district is to regulate land uses and development within areas subject to an adopted growth management ordinance and to identify those areas where such an adopted ordinance defines additional restrictions due to resource, public service, and infrastructure constraints. The overlay is to apply to such areas until such time as the County determines that additional development can be accommodated by available resources, services, and infrastructure; and a growth management ordinance is no longer necessary.

***Sec. 35-102B.2. Effect of GMO Overlay.***

Within the GMO Overlay District, all new residential development and subdivision shall comply with the regulations of the base zone district, and in addition, shall comply with the Growth Management Ordinance applicable to the area.

***Sec. 35-102B.3. Processing.***

The processing requirements of the Growth Management Ordinance for the area within the GMO Overlay District shall apply, in addition to the requirements of this Article. Where a conflict occurs, the provision which is most restrictive shall govern.

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**Sec. 35-102C. AH Affordable Housing.**

*(Added by Ord. 4110, 7/20/93; Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.1. Purpose**

The purpose of this overlay is to promote the development and provision of affordable housing within communities, thereby implementing the policies of the Coastal Land Use Plan, the policies of the County's Housing Element of the Comprehensive Plan and the goals of the Regional Housing Needs Plan. Standards of development and performance shall be consistent with all applicable policies and provisions of the Local Coastal Program, and where feasible may be designed to provide incentives to developers to construct affordable housing while retaining good design and architectural compatibility with adjacent land uses. The intent of this Overlay District is to provide substantial incentives to encourage the provision of either 30% or more of all new units available to very low income households or 50% or more of all new units constructed available to a mix of affordable income ranges. *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.2. Application of AH Overlay District.**

The AH Overlay District may be applied in conjunction with the preparation of a Community Plan, or as a County initiated amendment to the Coastal Land Use Element of the Comprehensive Plan, and shall indicate the maximum number of units designated by the overlay. The AH Overlay District shall be applied to parcels subject to, or concurrently considered for, the application of the Affordable Housing Land Use Designation Overlay.

*(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.3. Effect of AH Overlay District.**

Within the AH Overlay District, residential development projects are eligible for increased densities, up to the maximum number of units designated by the overlay, provided that either 30% or more of all new units are available to very low income households, or 50% or more of all new units are available to a mix of affordable income households, as determined by the County. Such increased density projects are referred to herein as "AH Overlay projects." *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.4. Processing.**

- a. No permits for development of an AH Overlay project, including grading, shall be issued except in conformance with an approved Final Development Plan, as

provided in Sec. 35-174 (Development Plans), and with Sec. 35-169 (Coastal Development Permits).

- b. In order to ensure that all AH-Overlay projects receive timely and preferential processing, qualifying AH Overlay projects shall be subject to the fast track permit process. AH Overlay projects may be eligible for administrative incentives such as deferred fees and for other development incentives provided for in the coastal zoning ordinance. *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.5. Uses Permitted.**

- 1. All uses permitted in the base zone district.
- 2. The following uses may be permitted, in addition to the uses of the base zone district, pursuant to Development Plan approval: Single-family dwellings, duplexes, apartments, condominiums, townhouses, cluster housing, planned unit developments, small lot planned developments and stock cooperatives, containing a minimum of either 30% or 50% affordable housing units developed and intended to be purchased or rented subject to the County's Affordable Housing Program criteria and formulas established for very low, low, lower-moderate and upper-moderate income household categories. *(Amended by Ord. 4169, 10/11/94)*
- 3. Accessory uses and structures incidental to permitted uses.

**Sec. 35-102C.6. Additional Requirements.**

*(Amended by Ord. 4169, 10/11/94)*

The following requirements shall also apply to an AH Overlay project:

- 1. Within areas subject to the AH Overlay District all uses of land shall comply with the regulations of the base zone district. Exceptions may be made for the AH Overlay District provided the overlay is applied in a manner consistent with all applicable policies and provisions of the Local Coastal Program. In cases where conflict occurs between the base zone district standards and the provisions of the AH Overlay District, the conflict shall be resolved consistent with the provisions of the Local Coastal Program.
- 2. For any units built above the base density pursuant to the provisions of the AH Overlay, either the 30% or the 50% affordability requirements shall apply to the total number of units proposed on the site.

3. All AH Overlay projects shall record an affordable housing agreement and resale and rental restrictive covenant, or such other document approved as to form by the County Counsel, which outlines the sales and/or rental prices for the various types of units to be established, provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by persons of very low, low, lower-moderate and upper-moderate incomes for a minimum of 30 years.
4. The 50% affordable housing component of an AH project shall provide very low, low, lower-moderate and upper-moderate income units according to the proportional allocations for each Housing Market Area as indicated in the Housing Element Implementation Guidelines and consistency with affordable housing definitions within said Guidelines.

***Sec. 35-102C.7. Additional Modifications to Development Standards.***

*(Added by Ord. 4169, 10/11/94)*

1. Infrastructure facilities, improvements and/or development or zoning standards normally required for residential development other than those in section 35-102C.6. above, may be modified by the decision-maker if deemed necessary to ensure affordability of dwelling units or to provide additional incentives, provided that the project, as modified, shall be found consistent with all applicable policies and provisions of the Local Coastal Program.
2. If deemed appropriate by the Board of Supervisors, fees normally imposed by the County on development projects may be waived, reduced or deferred. In such cases, reduced fees shall be based upon the project proponent supplying the Board of Supervisors with evidence and assurances that savings realized from such reductions will be passed on to the future residents by way of reduced rent or purchase price for units. Fees shall not be waived, reduced or deferred where such fees implement the policies and provisions of the Local Coastal Program. Examples of such fees include, but are not limited to, those required for public access or for the provisions of parks or recreational facilities.

**Sec. 35-102C.8. Density Modifications.**

Projects proposed within the AH Overlay District shall be entitled to a density adjustment of the base zone district authorizing an increase in the maximum allowable density. Any density increase granted for an AH Overlay project which exceeds the base zone district density shall be inclusive of density bonuses authorized and/or required by state law (e.g. density increase must be at least 25% over base density)[Government Code §65915-65918 or successor statute(s)]. The maximum density for a parcel within the AH Overlay District shall be indicated in the Comprehensive Plan. *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.9 Pre-application Procedures**

Prior to submitting an application for an AH Overlay project, the applicant should obtain pre-application and other preliminary consultations with the Planning and Development Department and other officials in order to obtain information and guidance before entering into binding commitments and incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations shall relate to a specific development proposal that outlines the concept and characteristics of the project. If the developer chooses not to participate in the pre-application process, the project may not qualify for a fast track permit process. *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.10. Approval of Development Plans.**

The Development Plan and accompanying maps, contracts and other documentation submitted with the application for an AH Overlay project shall be reviewed in accordance with the provisions of Section 35-174, Development Plans, of this Article and shall be subject to such conditions and requirements as are deemed appropriate and necessary to ensure compliance with the purposes of the County's Local Coastal Program, affordable housing program, the Housing Element and other applicable elements of the Comprehensive Plan. *(Amended by Ord. 4169, 10/11/94)*

**Sec. 35-102C.11. Required Findings for Rezones to AH-Overlay District.**

*(Added by Ord. 4169, 10/11/94)*

Prior to approval of an AH-Overlay project, the decision makers shall make all of the following findings:

- a. The site is subject to the Affordable Housing Land Use Designation Overlay or such designation is currently being processed.

- b. The site has a residential land use designation or would be appropriate for residential use if a Coastal Land Use Plan amendment is being concurrently processed (e.g. underutilized commercial land surrounded by residential land or other compatible land use);
- c. The site has a base zone district which allows residential use and requires a Development Plan for such use. This may also be achieved through a rezone.
- d. The site is served by a water district and by a municipal sanitary district;
- e. The site is of adequate size and shape to allow the reasonable development of housing;
- f. The site is located near major travel corridors or services;
- g. The site is located within reasonable walking distance to transit lines, employment centers, schools, and commercial areas;
- h. Residential development can be sited to avoid major environmental hazards and/or constraints (e.g., steep slopes and other geologic hazards, archaeological resources, streams and creeks, sensitive habitat areas, and airport noise and safety zones) and that residential development of the site at the maximum density proposed is consistent with all applicable policies and provisions of the Local Coastal Program.

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**Sec. 35-102D. Hazardous Waste Management Facility**

*(Added by Ord. 4047, 5/19/92)*

***Sec. 35-102D.1. Purpose and Intent.***

The purpose of this overlay district is to provide a mechanism for the siting of offsite hazardous waste management facilities and to ensure that such facilities are sited consistent with both the requirements of the Comprehensive Plan's Hazardous Waste Element and the base zoning district over which the HWMF Overlay District is applied.

***Sec. 35-102D.2. Effect of the HWMF Overlay District.***

Projects sited on land for which a rezone to HWMF has been initiated must meet all of the siting criteria set forth in the County's Hazardous Waste Element. Within the HWMF Overlay District, all uses of land shall comply with the requirements of the applicable base zoning district provided, however, that all development shall comply with any additional requirements set forth in the HWMF Overlay District. In cases where the regulations of the HWMF Overlay District conflict with the regulations of the base zoning district, the regulations more protective of the public health and the environment shall take precedence.

***Sec. 35-102D.3. Preliminary Development Plan to be included in Application for Rezoning.***

Unless the Planning Commission expressly waives the requirement, an application for a rezone to the HWMF Overlay District shall include a Preliminary Development Plan as part of the application. Upon approval by the Board of Supervisors of the rezone and the Preliminary Development Plan, the Preliminary Development Plan may be incorporated into the rezoning ordinance.

***Sec. 35-102D.4. Processing.***

No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-174 (Development Plans), and with Sec. 35-169 (Coastal Development Permits).

***Sec. 35-102D.5. Permitted Uses.***

1. Transfer station.
2. Storage facilities.
3. Treatment facilities.
4. Recycling facilities.

5. Residuals repositories.

*Sec. 35-102D.6. Application Requirements.*

Prior to the filing of an application for a rezone to the HWMF Overlay District and/or a Development Plan for a HWMF, a pre-application conference shall be held.

In addition to the application requirements for a rezone and Development Plan, applications for uses within the HWMF Overlay District shall include:

1. A discussion of the consistency of the proposed project with the siting criteria for offsite hazardous waste facilities set forth in the hazardous Waste Element.
2. An evaluation of alternative sites for the project.
3. Maps showing the area within a half-mile radius of the project site which indicate:
  - a) all dwelling units and other sensitive land uses such as schools, hospitals, libraries, parks, etc.;
  - b) other buildings and structures;
  - c) environmentally sensitive areas;
  - d) location of major highways and access routes;
  - e) available emergency services; and
  - f) all significant topographic features.
4. Maps showing the area within a quarter-mile radius of the project site which indicate:
  - a) all sanitary sewer systems;
  - b) all storm drains; and
  - c) the prevailing wind direction.
5. Information on the types, and maximum and average expected quantities of wastes proposed to be stored, treated, or disposed of by the facility, and the physical and chemical characteristics of those wastes.
6. A Risk Assessment including risk identification and mitigation that addresses each of the elements identified in Implementation Program 3-B of the Hazardous Waste Element.
7. A preliminary Risk Management and Prevention Pprogram (RMPP) if a RMPP is required by Chapter 1183, Section 65850.2 of the Government Code.



8. A preliminary emergency response plan that addresses the potential actions to be taken in the event of a release or a threatened release of a hazardous waste.
9. Measures or plans to ensure site security.
10. Depth to groundwater analysis.
11. Data needed to evaluate need for the hazardous waste management facility as identified by Policy 2-1 of the Hazardous Waste Element, including but not limited to data from the state manifest records, data from Environmental Health Services, other current data, and any intergovernmental agreements into which the County has entered.
12. Any other information that the Planning and Development Department deems necessary to evaluate and process the application.

***Sec. 35-102D.7. Findings Required for Approval of a Rezone and Development Plan.***

In addition to the findings required for approval of Rezones and Development Plans, no Rezone to the HWMF Overlay District and/or Development Plan for a hazardous waste management facility shall be approved unless the County also makes the following findings:

1. There is a need for the offsite treatment, storage, or disposal hazardous waste management facility as determined pursuant to Policy 2-1 of the Hazardous Waste Element.
2. The rezone and/or proposed facility is consistent with the siting criteria for offsite hazardous waste management facilities set forth in the Hazardous Waste Element and the development standards set forth in Section 35-102D.8. below.
3. A risk assessment has been prepared for the rezone and/or Development Plan which adequately evaluates the risks to human health and safety and the environment under both routine operations and upset conditions.
4. The risks to human health and the environment have been minimized to the maximum extent feasible and the remaining risks are considered acceptable.
5. The project will not create a financial burden for the County.
6. The proposed facility operator has demonstrated financial responsibility for the operation, monitoring, closure and post-closure of the facility.

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*Sec. 35-102D.8. Development Standards.*

1. A buffer adequate to protect the public health and environmentally sensitive areas shall be established. The size and location of the buffer shall be based on a thorough assessment of risk to human health and the environment.
2. All hazardous waste facilities must be designed and constructed to be able to contain spills, leaks, and other accidental releases of waste. Containment shall provide protection to air quality and surface and groundwater resources, and shall be based on a site characterization and geologic report.
3. Treatment, recycling, transfer and storage facilities should be sited in Urban Areas unless they are needed in a Rural Area or the Planning Commission finds that the facility or facilities cannot be located in an Urban Area. Residuals Repositories shall not be sited in Urban Areas.
4. In Urban Areas, all facilities must use public services.
5. In rural areas where public services are not available, private services for all facilities must be designed adequately for capacity and environmental protection.
6. Hazardous waste management facilities shall include measures for adequate site security.
7. Hazardous waste management facilities shall be visually compatible with existing and anticipated surrounding land uses.
8. No noxious odors associated with a hazardous waste facility shall be detectable at the property boundary.
9. The level of noise generated by the facility at the property boundary shall not exceed 65 db(A).
10. A monitoring system to measure offsite impacts including but not limited to noise, odors, vibration and air and water quality degradation shall be in operation throughout the construction, operation, closure and post-closure of the facility.
11. All outside lighting shall be shielded and no unobstructed beam of light shall shine off the premises. In addition, no lighting shall draw attention to the facility, and shall be an overall level and type compatible with surrounding uses.