



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and
Development
Department No.: 053
For Agenda Of: September 2, 2008
Placement: Administrative
Estimated Tme: 2 Hours on 9/16/08
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department John Baker, Planning & Development, 568-2000
Director(s) John McInnes, Office of Long Range Planning, 568-3552
Contact Info: Derek Johnson, Deputy Director, 568-2072

SUBJECT: Draft Mission Canyon Community Plan Initiation

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing for September 16, 2008 to consider initiating environmental review for the draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments.

Staff recommends that the Board of Supervisors:

1. Adopt a Resolution to initiate environmental review for the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code Amendments, as specified in Attachment A.

Summary Text: This Mission Canyon Community Plan is a funded project in the 2008-2009 Annual Work Program. Staff is requesting that the Board of Supervisors consider and initiate environmental review for the draft Mission Canyon Community Plan (Community Plan), Residential Design Guidelines, and Land Use and Development Code amendments.

Background:

1.0 Plan Area Background

Mission Canyon is a 1,178 acre area of unincorporated land adjacent to the City of Santa Barbara. The current land use planning document for this area is the Mission Canyon Area Specific Plan adopted by County ordinance and City of Santa Barbara resolution in 1984. The City of Santa Barbara's adoption of the Specific Plan stems from the City's provision of contract sewer service to lower Mission Canyon.

A Joint Powers Agreement between the County and City of Santa Barbara specifies that the provision of sewer service was contingent upon the preparation and adoption of a joint City-County Specific Plan. Further, the Joint Powers Agreement states that any amendment to the Specific Plan must be approved by both the County and City. Since the Mission Canyon Community Plan would replace the 1984 Specific Plan, an amendment to the Joint Powers Agreement will be necessary when the Board of Supervisors considers adoption of the Mission Canyon Community Plan.

Since the adoption of the Specific Plan, new issues have emerged for this community including traffic, circulation and parking, illegal units, stormwater runoff and erosion, and fire hazards. Other concerns include visual and neighborhood impacts from increasingly larger new and remodeled homes. In July 2006, the Board of Supervisors directed an update to the 1984 Mission Canyon Specific Plan and the preparation of Residential Design Guidelines. Although the current project was initiated as an update to the 1984 Specific Plan, Staff and the Mission Canyon Planning Advisory Committee (MCPAC) agreed early in the process to convert the Specific Plan into a Community Plan to follow the County's established Community Plan policy framework with area goals, policies, development standards, and action items.

2.0 Public Process

A. Mission Canyon Planning Advisory Committee (MCPAC)

Following the Board of Supervisors direction in July 2006, the County recruited and approved a nine (9) member Mission Canyon Planning Advisory Committee (MCPAC). Every property owner and resident in Mission Canyon was notified about the project initiation and invited to sign up on an email and/or postcard notification list. Once on the list, the interested parties were notified of every meeting, workshop, and hearing.

The draft Community Plan and Residential Design Guidelines were prepared over a period of 18 months with four public workshops, 23 MCPAC meetings and 31 MCPAC sub-committee meetings. The draft Design Guidelines were reviewed at two hearings with the South Board of Architectural Review, two hearings before the Historic Landmarks Advisory Commission, and one hearing with the City of Santa Barbara's Single Family Design Board.

On May 7, 2008, the MCPAC approved a resolution (Attachment B) recommending the County Planning Commission and Board of Supervisors initiate environmental review for the draft Community Plan, Residential Design Guidelines and Land Use and Development Code Amendments.

B. City of Santa Barbara Review Process and Project Participation

As noted above, the City of Santa Barbara has approval authority over updates to the Mission Canyon Specific Plan. Since the inception of this project, City of Santa Barbara staff has participated in coordination meetings and City staff has been notified of all public workshop and Mission Canyon Planning Advisory Committee (MCPAC) meetings. On February 15, 2008 an Administrative Draft of the Community Plan was sent to City staff for review and comment. City staff comments were taken into consideration by staff and incorporated into both documents where appropriate.

C. County and City Planning Commission Recommendations

County Planning Commission: On June 4, 2008, the draft Community Plan, Residential Design Guidelines, and Land Use and Development Code (LUDC) amendments were reviewed by the County Planning Commission. The Planning Commission unanimously recommended that the Board of Supervisors initiate environmental review of the documents (Attachment C). Two minor changes were recommended at the hearing as follows:

1. Retain the limited LUDC exception under Section 35.42.230.D.1 that would allow a Residential Second Unit in the Mission Canyon Special Problem Area if the conditions under D.1 are met, summarized as:

- The project application involves two contiguous legal lots under one ownership and at least one lot is vacant;
- The owner has submitted an offer to dedicate a Covenant of Easement over the vacant lot as long as the RSU is maintained on the developed lot; and
- The vacant lot is deemed residentially developable.

Staff has incorporated the Planning Commission's recommended change in the proposed LUDC amendments.

2. The Planning Commission also noted an inconsistency between use of the terms "Exterior Lighting" and "Outdoor Lighting" and requested that the Community Plan and Residential Design Guidelines use the same terminology. Staff has revised the Residential Design Guidelines incorporating the term "Outdoor Lighting" where appropriate.

City of Santa Barbara Planning Commission: On July 10, 2008, the draft Community Plan, Residential Design Guidelines and Land Use and Development Code amendments were reviewed by the City of Santa Barbara Planning Commission. At this hearing, City staff outlined their major issues and comments on the draft plan and guidelines for the Commission's consideration. The City Planning Commission provided valuable and insightful comments regarding policy issues important to both the City and County. The City Planning Commission voted unanimously to recommended initiation of the

Specific Plan amendments and have their comments forwarded to the County Board of Supervisors. Because the City Planning Commission will not be approving the draft minutes from this hearing until September 4, 2008, their comments are not attached to this staff report, but will be forwarded to the Board of Supervisors in a letter before the September 16th hearing date.

Summary of Changes Recommended by Staff: Attachment D includes a list of minor text revisions recommended by Staff for inclusion in the draft Community Plan project description. The minor changes to the draft Community Plan, Design Guidelines, and LUDC are intended to add clarity to proposed development standards, and reflect input from County and City of Santa Barbara Planning Commissions, and City of Santa Barbara Community Development Department staff. Staff recommends that these changes be incorporated in the Board of Supervisors' motion to initiate environmental review for the project.

D. Tribal Consultation

Consistent with Government Code §65352.3, the County invited the Santa Ynez Band of Chumash Indians and the Coastal Band of the Chumash Nation to consult regarding the Mission Canyon Specific Plan update. The County also requested a standard record search for cultural resources in the plan area. The Santa Ynez Band of Chumash Indians and the Coastal Band of the Chumash Nation did not respond to the consultation invitation and a follow up letter was sent to both entities noting that the opportunity to consult expired but encouraging comments throughout the adoption processes as members of the public.

3.0 Project Description

The project involves the following elements:

1. Mission Canyon Community Plan. The Mission Canyon Community Plan is intended to direct all aspects of preservation and development, including both policy and regulatory elements used in evaluating future development projects. The Community Plan will replace the 1984 Mission Canyon Area Specific Plan, and contains goals, policies, development standards and actions intended to regulate and guide future development and improvements (Attachment E).
2. Mission Canyon Residential Design Guidelines. The Mission Canyon Residential Design Guidelines are intended to provide reasonable, practical and objective guidance to assist homeowners, developers and designers when designing a new or remodeled home. The Design Guidelines provide the tools needed for staff and the County's South Board of Architectural Review to properly evaluate development proposals within Mission Canyon (Attachment F).
3. Land Use and Development Code Amendments. The proposed amendments to the Land Use and Development Code would implement the applicable policies, development standards and action items from the Mission Canyon Community Plan (Attachment G).

3.1 Mission Canyon Community Plan

This section summarizes the key policy issues that are addressed in greater detail in the Community Plan. The standards have been crafted to address recurrent problems and issues which, up to now, have been handled on a case-by-case basis with mixed outcomes.

A. Land Use

The 1984 Mission Canyon Specific Plan was effectively a growth management plan designed to guide future development within limited resource and infrastructure constraints. The proposed Community Plan builds upon this original policy framework and narrative by focusing on new goals, policies and development standards which reflect the community’s desire to preserve neighborhood character, enhance fire safe practices, plan for post disaster recovery, balance fuel management and sensitive biological resources, improve parking, pedestrian and bicyclist circulation, and guide the quality of newly built or remodeled structures within Mission Canyon. Land use and zoning changes were considered, but, no land use or zoning designation changes are proposed in the Community Plan.

Buildout Summary

Staff conducted a buildout analysis for the planning area based on existing land use designations. Two scenarios were drafted for this analysis: total potential additional units, and total potential additional units excluding additional development potential on parcels sloped 30% or greater. The second buildout scenario which excludes additional units on slopes greater than 30% is a more realistic estimate of potential buildout in Mission Canyon given the costs associated with such development and potential conflicts with Comprehensive Plan policies. The summary information is presented in Table 1 below.

Table 1 – Mission Canyon Buildout Summary

No. of Parcels	Vacant Parcels	Existing Units	Potential Additional Units Excluding 30% or greater slopes	Total Units at Buildout
1,141	129	1,012	157	1,169

Residential Second Units

Prior to 2003, residential second dwelling units (i.e. “Granny Units” in the 1984 Specific Plan) were not permitted in Mission Canyon as long as the area was still designated a Special Problem Area. In 2003, the Land Use and Development Code (LUDC) was amended to permit residential second units in designated Special Problem Areas if the Director of Planning & Development makes a series of rigorous findings as provided in the LUDC (Section 35.42.230.D). Theoretically, 170 residential second units could be built in Mission Canyon based on existing zoning and parcel size, but not accounting for limiting factors such as slope and wastewater. More people and residential density in Mission Canyon would likely result in significant evacuation challenges when a wildfire should occur. Therefore, the Community Plan Land Use Section includes Policy LU-MC-2 which prohibits new residential second units in Mission Canyon. Action LU-MC-1.1 amends the Land Use and Development Code to implement Policy LU-MC-2. This prohibition is consistent with the City of Santa Barbara’s zoning

code, which prohibits secondary dwelling units in High Fire Hazard Areas (as defined in the City's Fire Master Plan).

B. Fire Protection/Hazards

One of the significant challenges of the Plan is how to mitigate fire hazards associated with fuel loading and limited emergency access within an established community that developed prior to current building safety standards.

Action FIRE-MC-1.1 directs the County of Santa Barbara to consider a feasibility study to develop a Wildland Fire Benefit Assessment District to fund additional fire prevention services. The additional services may include improvement of evacuation routes, defensible space inspection and assistance, on-street parking turn-outs and additional fire hydrants where needed, and comprehensive vegetation management programs. In addition, *DevStd FIRE-MC-2.3* requires projects reviewed by the Special Problem Area Committee to provide half width road frontage improvements to meet current Fire Department Standards on all private roads.

C. Post-Disaster Recovery and Reconstruction

A literature survey of areas stricken by natural disasters (wildfire, earthquake, floods, etc.) has shown that few communities take advantage of the opportunity to address the land use and development patterns that may have contributed or exacerbated the extent of physical damage. Recovery and rebuilding after a widespread disaster often creates a tension between the desire for a quick return to the status quo (often with unsafe development patterns and construction techniques) against the opportunity to use post-disaster reconstruction to create a community that is more resistant to a future recurrence and severity of damage. Mission Canyon is a designated Very High and High Fire Hazard Severity Zone in which State and County land use, development, and building code regulations govern the wildland-urban interface area.

The MCPAC and community members have strongly recommended that the County adopt policies and take action to plan for post-disaster recovery and reconstruction to balance the desire for rapid recovery and maintain and enhance the community's aesthetic qualities and create a safer community better able to resist future disasters. In response, this section of the Community Plan proposes to establish a plan to facilitate post-disaster reconstruction with the goal of providing a vision for decision makers and a framework within which decisions will be made after a disaster strikes (*Action PDR-MC-1.1*). The Plan also includes a policy to recover public rights-of-way (ROW), particularly along key ingress and egress routes, in order to improve emergency access as well as improve pedestrian and bicyclist circulation (*Policy PDR-MC-2*).

D. Circulation and Parking

Many of the roadways and driveways serving Mission Canyon were built prior to current roadway and access standards. Over time, incremental encroachment of landscaping, walls, fences, and utilities within the actual ROW has further constrained travel lane widths. Especially problematic are the narrow,

winding, and often steep roadways in the upper canyon north of Foothill Road. Access to these areas is further constrained by on-street parking.

The Community Plan will amend and update the area's Circulation Element by applying the definitions, roadway designations, and capacity standards that have been used in all other Community Plans; however, the level of service (LOS) standards for Mission Canyon have been modified to be consistent with the area's semi-rural character. In addition to the proposed Circulation Element amendments, the Community Plan a) establishes LOS B as the minimally acceptable level of service on County roadway segments and intersections in Mission Canyon (*Policy CIRC-MC-6*), b) amends the LUDC to increase the required parking spaces per dwelling unit in the R-1/E-1 zone districts from 2 to 3 spaces (*Action CIRC-MC-3.5*), and c) directs Planning & Development, Public Works, and County Fire Department to develop a residential parking strategy for areas where traffic flow is constrained due to on-street parking and narrow streets (*Action CIRC-MC-3.2*). This action item is a new project funded in the Office of Long Range Planning's 2008-09 Work Program. The project is anticipated to begin in April 2009.

E. Wastewater

Prior to providing public sewer service in Mission Canyon, the area had a long history of problems related to the use of septic systems for onsite wastewater treatment and disposal. These problems result from a combination of unfavorable soil and subsoil characteristics, steep slopes, relatively dense residential development in some areas, and a lack of routine septic system maintenance by individual homeowners. The Board of Supervisors designated Mission Canyon as a Special Problem Area in 1978 due in part to problems related to the use of septic systems.

The Community Plan seeks to address long-term wastewater treatment needs by a) requiring two disposal fields to be built for each new septic system with an additional third expansion area set aside where no development can occur (*DevStd WW-MC-1.2*), b) establishing a mandatory septic system inspection program (*Action WW-MC-1.8*), and c) developing a Wastewater Management Plan for Mission Canyon to define areas where septic systems may continue to be feasible and define areas where extending public sewer service and infrastructure may be appropriate and feasible (*Action WW-MC-1.10*).

F. Biological Resources

Mission Canyon contains created landscapes, such as those in residential neighborhoods and the Santa Barbara Botanic Garden, and areas of significant native habitat and sensitive resources. One of the key policy issues for Mission Canyon is how to continue to balance the protection of sensitive habitat with the need to carry out state mandated vegetation clearance requirements applicable to both new and existing development within High and Very High Fire Hazard Severity Zones.

Biological Resources policies and development standards for Environmentally Sensitive Habitat (ESH) were developed with a focus on how to avoid disturbing the sensitive habitat and buffer areas associated with new development (*DevStd BIO-MC-1.6 – 1.12*). Policy BIO-MC-2 and development standards BIO-MC-2.1 – 2.2 were developed to address current and future fuel management procedures in ESH and ESH buffer areas. Because state mandated defensible space and fuel management techniques are

likely to change over time, the area-wide approach in this Community Plan is to adhere to fuel management practices specified in the California Fire Code, County of Santa Barbara Fire Code, and Mission Canyon Community Wildfire Protection Plan (pending), which will allow flexibility if the standards change and are crafted to achieve the balance between protecting the resource and maintaining defensible space. As more residents comply with the minimum 100 feet of defensible space clearance requirements, the end result throughout the Canyon will be a more park-like appearance with thinning of dense vegetation, well spaced trees and shrubs, and trees limbed and dead materials removed.

G. Visual and Aesthetic Resources

The Mission Canyon Planning Advisory Committee and members of the public have expressed their desire to preserve the charm and neighborhood character of Mission Canyon. This section of the Plan contains several new directives to preserve and enhance visual resources.

The *Mission Canyon Scenic Corridor* is designated on lots adjacent to Mission Canyon Road from Rocky Nook Park to Foothill Road (Community Plan - Figure 25, Page 125) to recognize and preserve the special character, history and scenic appeal of the gateway entrance to Mission Canyon. The Scenic Corridor is characterized, in part, by the siting of attractive homes set well back from Mission Canyon Road. These elements provide an appealing viewshed and should be preserved and protected under this designation.

Phase I of the Scenic Corridor program (*Policy VIS-MC-3*) includes adopting new LUDC standards to address setbacks, detached accessory structures, and fences, gateposts and walls. The South Board of Architectural Review and the Historic Landmarks Advisory Commission will have review authority, not approval authority, for projects within the Scenic Corridor to ensure that both scenic and historic perspectives of the corridor are addressed during project review. Phase II for the Scenic Corridor (*Action VIS-MC-2.2*) will include design and implementation of a streetscape plan including coordination with the City of Santa Barbara and Santa Barbara Museum of Natural History to improve pedestrian access, a signage and landscaping plan, and pursuit of a utility undergrounding program.

3.2 Mission Canyon Residential Design Guidelines

Mission Canyon is a unique residential community in a setting that is not patterned after a typical urban or suburban subdivision. The Residential Design Guidelines are intended to provide guidance to homeowners, developers, designers, and the South Board of Architectural Review to preserve the characteristics that residents have come to value, while also allowing for flexibility in design of new and remodeled homes that reflect an eclectic tradition. The full text of the proposed Residential Design Guidelines is provided in Attachment F.

Applicability

The 1984 Mission Canyon Specific Plan implemented the application of the (D) Design Control Overlay to all of the planning area except the parcels zoned recreation; thus, the South Board of Architectural Review (SBAR) reviews and approves all new structures, including additions, with exceptions to design review approval as identified in the County's LUDC. The Residential Design Guidelines will now

provide a tool for the SBAR to properly evaluate design proposals that contribute to community design objectives.

3.3 Land Use and Development Code Amendments

The LUDC amendments are required to implement policies, development standards, and action items in the proposed Community Plan. The full text of the proposed LUDC amendments is provided in Attachment G. Following is a summary of the key amendments.

A. 35.28.210 Community Plan Overlay

Mission Canyon Scenic Corridor Development Standards

Proposed new zoning requirements for the scenic corridor include:

- Increase front setback from 50 feet to 80 feet from road centerline;
- Preserve and restore original stone walls and gateposts;
- New fences and walls in front setback shall not exceed 3.5 feet and shall be constructed of natural materials (no new chain link fences);
- Historic Landmarks Advisory Commission shall review Land Use Permits.

B. 35.20.040 Exemptions from Planning Permit Requirements

The proposed amendment would require a Land Use Permit and Design Review for the replacement or restoration of a conforming structure damaged or destroyed by a disaster, even if it is in the same general footprint location and does not exceed the original size by more than 10% or 250 square feet, whichever is less.

C. 35.101.020 Nonconforming Uses of Land and Structures

Allows for modifications to non-conforming uses of “historic structures” that are not yet declared landmarks provided the Historic Landmark Advisory Commission reviews and approves.

D. 35.101.030 Nonconforming Structures

In addition to 35.101.020 above, this section allows damaged or destroyed non-conforming structures to be reconstructed in the same or lesser size and in the same general footprint location.

E. 35.28.111 Environmentally Sensitive Habitat Area-Mission Canyon (ESH-MC) Overlay

This section of the LUDC provides guidance for determining a) whether the overlay zone applies to a given piece of property, b) a process for delineating the precise ESH boundary during the review of an application for development, c) allowances for vegetation fuel management for existing and new development in ESH areas, d) a list of development activities in ESH areas that would trigger a Land Use Permit, and e) findings required for project approval.

Performance Measure:

New land use policies and zoning ordinance amendments proposed in the Community Plan reflect the community’s desire to preserve neighborhood character, enhance fire safe practices, plan for post disaster recovery, balance fuel management and sensitive biological resources, improve parking, pedestrian and bicyclist circulation, and guide the quality of newly built or remodeled structures within Mission Canyon. The Plan emphasizes public safety and includes several action items to reduce existing fire hazard constraints within the planning area.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$ 103,344		
State			
Federal			
Fees			
Other:			
Total	\$ 103,344	\$ -	\$ -

Staffing Impacts:

Legal Positions:
 N/A

FTEs:
 N/A

Special Instructions:

Clerk of the Board shall post legal notice in the Santa Barbara News Press at least 10 calendar days before the hearing

Attachments:

- A. Board of Supervisors Resolution initiating environmental review for the draft Mission Canyon Community Plan
- B. Resolution – Mission Canyon Planning Advisory Committee (MCPAC)
- C. County of Santa Barbara Planning Commission action letter and Resolution # 08-03
- D. Summary of Changes Recommended by Staff
- E. Draft Mission Canyon Community Plan
- F. Mission Canyon Residential Design Guidelines
- G. Land Use and Development Code amendments

Authored by:

Derek Johnson, Deputy Director, 568-2072

cc:

OLRP Chron file

Attachment A

Board of Supervisors Resolution

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

IN THE MATTER OF INITIATING THE DRAFT)
MISSION CANYON COMMUNITY PLAN AS)
PROPOSED AMENDMENTS TO APPLICABLE) RESOLUTION NO. 08-
PORTIONS OF THE SANTA BARBARA COUNTY)
COMPREHENSIVE PLAN AND LAND USE AND)
DEVELOPMENT CODE)

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors adopted the Land Use Element of the Santa Barbara County Comprehensive Plan; and
- B. On December 3, 1991, by Resolution 91-696, the Board of Supervisors adopted the Circulation Element of the Santa Barbara County Comprehensive Plan; and
- C. On October 17, 2006, by Ordinance No. 4265, the County Board of Supervisors adopted Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement the Comprehensive Plan; and
- D. On November 21, 2006, the Board of Supervisors approved the formation of the Mission Canyon Planning Advisory Committee (MCPAC); and
- E. Between December 2006 and May 2008, over 25 MCPAC public meetings were held to prepare the Draft Mission Canyon Community Plan and Residential Design Guidelines; and
- F. On May 7, 2008, by Resolution No. 2008-01, the MCPAC recommended that the County Planning Commission and Board of Supervisors take the necessary actions to initiate environmental review for the Draft Mission Canyon Community Plan, Residential Design Guidelines and associated Land Use and Development Code amendments; and
- G. On June 4, 2008, by Resolution No. 08-03, the County Planning Commission recommended that the Board of Supervisors initiate environmental review for the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments as proposed amendments to applicable portions of the Santa Barbara County Comprehensive Plan and Land Use and Development Code; and
- H. On July 10, 2008, the City of Santa Barbara Planning Commission reviewed the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments. The Planning Commission unanimously recommended

that the Plan be initiated for environmental review and that the Planning Commission's comments be forwarded to the County Board of Supervisors for their consideration; and

I. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Board of Supervisors on the proposed amendments in a duly noticed public hearing; and

J. It is now deemed in the interest of orderly development of the County and important to the preservation of health, safety, and general welfare of the residents of said County that the Board of Supervisors initiate, for purposes of environmental review, specific amendments to applicable portions of the Santa Barbara County Comprehensive Plan and Land Use and Development Code, as set forth in the Draft Mission Canyon Community Plan project description dated May 2008.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. The proposed map designation and text amendments to the Land Use Element and Circulation Element are hereby initiated as such amendments are set forth in the Draft Mission Canyon Community Plan dated May 2008.
3. Pursuant to the provisions of Section 35.104.030 of the Land Use and Development Code, the proposed rezones set forth in the Draft Mission Canyon Community Plan dated May 2008, and Attachment G of the September 16, 2008 Board of Supervisors staff report, are hereby initiated as amendments to the Land Use and Development Code.
4. The Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments are adequate to begin environmental review.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 16th day of September, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

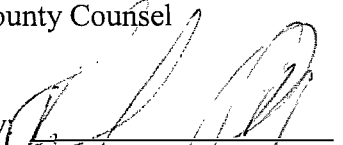
ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By: _____
Deputy Clerk-Recorder

APPROVED AS TO FORM:

DENNIS MARSHALL
County Counsel

By: 
Deputy County Counsel

Attachment B

MCPAC Resolution



**RESOLUTION NO. 2008-01 MISSION CANYON
PLANNING ADVISORY COMMITTEE**

**A RESOLUTION OF THE MISSION CANYON
PLANNING ADVISORY COMMITTEE
RECOMMENDING THAT THE SANTA BARBARA
COUNTY PLANNING COMMISSION AND BOARD
OF SUPERVISORS TAKE THE NECESSARY
ACTIONS TO INITIATE ENVIRONMENTAL REVIEW
FOR THE MISSION CANYON COMMUNITY PLAN,
MISSION CANYON RESIDENTIAL DESIGN
GUIDELINES, AND ASSOCIATED LAND USE &
DEVELOPMENT CODE AMENDMENTS.**

WHEREAS, Government Code Section 65351 requires that during the preparation or amendment of a general plan, opportunities be provided for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate; and

WHEREAS, on April 9, 1991, the Board of Supervisors adopted Resolution No. 91-211, adopting Guidelines for General Plan Advisory Committees and Similar Advisory Bodies, that prescribe GPAC operation procedures and responsibilities (hereinafter County GPAC Guidelines); and

WHEREAS, on November 21, 2006, the Board of Supervisors formed the Mission Canyon Planning Advisory Committee (MCPAC) to advise the County on preparation of a Specific Plan update and Residential Design Guidelines for the community of Mission Canyon; and

WHEREAS, if adopted, the proposed Community Plan for Mission Canyon will update the County Comprehensive Plan for Mission Canyon and replace the 1984 Mission Canyon Specific Plan; and

WHEREAS, the Mission Canyon Planning Advisory Committee held 25 public meetings and three public workshops to assist in the preparation of the Residential Design Guidelines and the Mission Canyon Community Plan;

WHEREAS, on May 7, 2008 the Mission Canyon Planning Advisory Committee recommended the initiation of environmental review of the Mission Canyon Community Plan, Residential Design Guidelines, and Land Use & Development Code amendments to the Planning Commission and Board of Supervisors; and


NOW THEREFORE, BE IT RESOLVED by the Mission Canyon Planning Advisory Committee that after careful review of the draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use & Development Code amendments,

the MCPAC recommends that the Planning Commission and the Board of Supervisors initiate environmental review for the Mission Canyon Community Plan and Mission Canyon Residential Design Guidelines.

PASSED, APPROVED AND ADOPTED, this 13 day of MAY, 2008.


Chairperson, Raymond Smith

ATTEST:



SECRETARY
By Derek Johnson, Deputy Director
Long Range Planning

Attachment C

Planning Commission Action Letter and Resolution



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JUNE 4, 2008

**RE: Draft Mission Canyon Community Plan & Residential Design Guidelines Initiation;
08GPA-00000-00005, 08ORD-00000-00010**

Hearing on the request of the Planning and Development Department that the County Planning Commission review and comment on the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code Amendments and adopt a resolution recommending that the Board of Supervisors initiate environmental review for the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of June 4, 2008, Commissioner Cooney moved, seconded by Commissioner Blough and carried by a vote of 5-0 to recommend that the Board of Supervisors:

Adopt Attachment A of the staff report, dated May 16, 2008, a Resolution of the Planning Commission recommending that the Board of Supervisors initiate environmental review for the Draft Mission Canyon Community Plan, Residential Design Guidelines, and Land Use and Development Code amendments.

Sincerely,

Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 08GPA-00000-00008, 08ORD-00000-00010
Planning Commission File
Dianne M. Black, Director Development Review
David Allen, Deputy County Counsel
Derek Johnson, Deputy Director, Long Range Planning
David Lackie, Supervising Planner, Long Range Planning
Rosie Dyste, Senior Planner, Long Range Planning

Attachments: Attachment A - Resolution

DMB/jao

RECEIVED

JUN 11 2008

S.B. COUNTY
COMPREHENSIVE PLANNING

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

IN THE MATTER OF RECOMMENDING THAT THE) RESOLUTION NO. 08- 03
BOARD OF SUPERVISORS INITIATE)
ENVIRONMENTAL REVIEW FOR THE DRAFT)
MISSION CANYON COMMUNITY PLAN AND)
RESIDENTIAL DESIGN GUIDELINES AS PROPOSED)
AMENDMENTS TO APPLICABLE PORTIONS OF)
THE SANTA BARBARA COUNTY COMPREHENSIVE)
PLAN AND LAND USE AND DEVELOPMENT CODE)

WITH REFERENCE TO THE FOLLOWING:

- A. On December 20, 1980, by Resolution No. 80-566, the Board of Supervisors of the County of Santa Barbara adopted the Comprehensive Plan for the County of Santa Barbara; and
- B. On December 3, 1991, By Resolution 91-696, the Board of Supervisors adopted the Circulation Element of the Santa Barbara County Comprehensive Plan; and
- C. On October 17, 2006, by Ordinance No. 4265, the County Board of Supervisors adopted Section 35-1, the Santa Barbara County Land Use and Development Code (LUDC), of Chapter 35, Zoning, of the Santa Barbara County Code, to implement the Comprehensive Plan; and
- D. In November 2006, the Board of Supervisors established the Mission Canyon Planning Advisory Committee (MCPAC) to assist staff in the Mission Canyon Specific Plan Update and development of new residential design guidelines. The MCPAC's role included gathering public input, participating in the goal setting process, and developing recommendations on the land uses, policies and programs developed in the draft Mission Canyon community Plan; and
- E. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the Planning Commission on the proposed amendments in a duly noticed public hearing; and
- F. It is now deemed in the interest of orderly development of the County and important to the preservation of health, safety, and general welfare of the residents of said County that the Planning Commission recommend that the County Board of Supervisors initiate, for purposes of environmental review, specific amendments to applicable portions of the Santa Barbara County Comprehensive Plan and Land Use and Development Code, as set forth in the Draft Mission Canyon Community Plan project description dated May 2008.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Government Code Sections 65354, 65453, and 65855, the Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, accept the above mentioned recommendation of this Commission.
3. A copy of this Resolution shall be transmitted to the County Board of Supervisors along with said draft amendment.

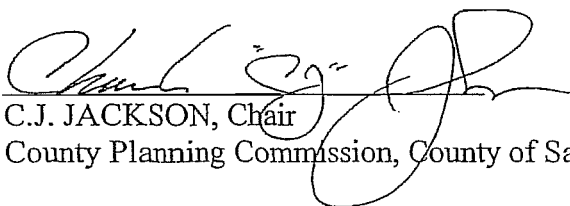
PASSED, APPROVED, AND ADOPTED by the Planning Commission of the County of Santa Barbara, State of California, this 4th day of June 2008, by the following vote:

AYES: Cooney, Brown, Jackson, Valencia, Blough

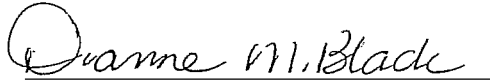
NOES:

ABSENT:

ABSTENTIONS:

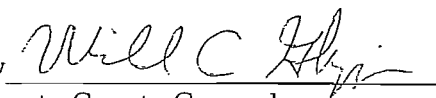

C.J. JACKSON, Chair
County Planning Commission, County of Santa Barbara

ATTEST:


DIANNE BLACK
Secretary of the Commission

APPROVED AS TO FORM:

DANIEL J. WALLACE
County Counsel

By  5/16/2008
Deputy County Counsel

Attachment D

Summary of Changes Recommended by Staff

Attachment D

Summary of Changes Recommended by Staff

1. Mission Canyon Community Plan – Suggested edits per City of Santa Barbara comments.

DevStd FIRE-MC-2.1: Along access roads and driveways, limbing of oak tree branches shall be subject to the vertical clearance requirements of the California Fire Code and Santa Barbara County Fire Department development standards. To the maximum extent feasible, vegetation management practices shall not result in the removal of protected healthy oak trees. ~~Treatment of oak trees not located along access roads and driveways shall be limited to removing dead materials, proper pruning, mowing the understory, and limbing up the branches to a maximum height of eight (8) feet off the ground.~~ [note: deleted text moved to new DevStd BIO-MC-2.3 see below]

Policy CIRC-MC-3: Mature landscaping within and adjacent to the road right-of-way is aesthetically valuable to the community and shall be preserved and maintained to the extent that it does not compromise public safety, impede pedestrian pathways, or interfere with applicable County or Caltrans sight distance standards.

Action CIRC-MC-3.3: The County shall work with the City of Santa Barbara to identify trailhead parking solutions along Tunnel Road. The study shall evaluate the feasibility of developing a low-intensity trailhead parking area on City of Santa Barbara owned land (APN 153-270-009) at the terminus of Tunnel Road ~~which could also function as an emergency vehicle turn-around and staging area.~~

DevStd PS-MC-2.2: Landscape plans shall include appropriate water-conserving features ~~such as those listed in the Water Resources section of the County's Standard Conditions of Approval and Standard Mitigation Measures.~~

Action PS-MC-2.3: Santa Barbara Land Use and Development Code Section 35.28.210 shall be amended to require water conservation development standards for development requiring a landscape plan in the Mission Canyon Community Plan area.

DevStd BIO-MC-2.3: Vegetation management practices involving oak trees located away from access roads, driveways and structures shall be limited to removing dead materials, proper pruning, mowing the understory, and limbing up the branches to a maximum height of eight (8) feet off the ground. To the maximum extent feasible, vegetation management practices shall not result in the removal of protected healthy oak trees.

Policy BIO-MC-5: Natural Stream-stream channels shall be maintained in an undisturbed state to the maximum extent feasible in order to protect water quality and banks from erosion, enhance wildlife passageways, and provide natural greenbelts. “Hardbank” channelization (e.g., use of concrete, riprap, gabion baskets) of stream channels shall be prohibited, except where necessary to protect existing structures. Where hardbank channelization is required, the material and design used shall be the least environmentally damaging alternative and site restoration on or adjacent to the stream channel shall be required, subject to a Restoration Plan.

Policy BIO-MC-6: Native riparian vegetation shall be protected as part of a stream or creek development buffer,–. New development shall be setback defined as a minimum fifty [50] feet of from the geologic top of the bank of any watercourse stream or creek. When the riparian habitat extends beyond the geologic top of bank, the buffer shall extend an additional 25 feet from the outside edge of the riparian canopy. The minimum development buffer Buffer areas may be adjusted upward or downward on a case-by-case basis given site-specific conditions. Adjustment of the buffer shall be based on site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning & Development and other County agencies, such as Environmental Health Services and the Flood Control District. Buffer areas may be adjusted to avoid precluding subject to approval by a biologist approved by Planning and Development, but shall not preclude development of a parcel to such extent that an unconstitutional deprivation of property occurs. Public or privately initiated restoration of degraded riparian areas to their former state shall be encouraged.

DevStd BIO-MC-6.2: When activities permitted in stream corridors would require removal of native riparian plants and non-native invasive species, revegetation/restoration with local native plants, obtained from seed and rootstock within as close proximity to

the site as feasible shall be required. Native seed and rootstock shall come from as close as possible to the site within the Mission Creek watershed, or, if not available, from within the South Coast (Gaviota to Rincon Creek) in order to protect local native plant genetics.

DevStd BIO-MC-6.3: No structures shall be located within a stream corridor except: public trails that would not adversely affect existing habitat, ~~dams necessary for~~ flood control projects where no other method for protecting existing structures in the floodplain 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. All development shall incorporate the best mitigation measures feasible to minimize the negative impact to the greatest extent.

2. **Mission Canyon Community Plan** – Suggested edits per County staff recommendation.

Policy FIRE-MC-4: New discretionary development, including new construction and increases in intensity of use, shall not significantly contribute, individually or cumulatively, to the existing deficiency in roadway evacuation capacity from the Mission Canyon plan area.

DevStd FIRE-MC-4.1: The County shall require two routes of ingress and egress for discretionary development unless the Fire Department waives/modifies the requirement and documents finding(s) for the waiver/modification based upon substantial evidence that public safety will not be compromised.

~~DevStd WW MC 1.4: Development providing wastewater treatment via dry wells shall be required to install dual (200%) capacity fields for all new installations, and advanced treatment systems in problematic or sensitive locations.~~

[Note: This standard is recommended for deletion since the intent of DevStd WW-MC-1.4 is addressed in DevStd WW-MC-1.2 and 1.5]

Action WW-MC-1.9: The County shall encourage the use of any alternative sewage enhanced treatment systems, where conditions would warrant, approved by the Regional Water Quality Control Board which would be suitable for use in Mission Canyon.

Action WW-MC-1.10: The County shall work cooperatively with the City of Santa Barbara and Regional Water Quality Control Board to pursue feasibility, fiscal, and environmental studies to develop ~~an~~ Onsite a Wastewater Management Plan for Mission Canyon. The study shall provide detailed attention to: (1) defining areas where use of septic systems upgrades may continue to be feasible, and (2) defining areas where extending public ~~sewage~~ sewer service and infrastructure may be appropriate and feasible. Community input shall be sought regarding the content of the studies and potential alternative solutions.

Policy BIO-MC-4: Native trees shall be preserved where appropriate to the maximum extent feasible. A “native protected tree” is at least six inches in diameter (largest diameter for non-round trunks) as measured 4.5 feet above level ground (or as measured on the uphill side where sloped). Native trees found in Mission Canyon area include, but are not limited to: coastal live oak (*Quercus agrifolia*), Western sycamore (*Platanus racemosa*), California bay (*Umbellularia californica*), Bigleaf maple (*Acer macrophyllum*), White alder (*Alnus rhombifolia*) and California black walnut (*Juglans californica*). If it is determined by Planning & Development that native tree removal cannot feasibly be avoided, removed trees shall be relocated or replaced onsite provided the relocated or replaced trees can be accommodated in a location and manner that does not conflict with defensible space clearance requirements. Replacements for native trees should be propagated from onsite or nearby specimens.

(Source: 1984 Mission Canyon Specific Plan, section 5.4, page 51)

DevStd FLD-MC-2.5: New development shall ensure that post-development runoff volumes ~~achieve a net reduction from~~ do not exceed pre-development runoff volumes. Source control measures such as infiltration, evapotranspiration, and storage retention and reuse shall be incorporated into site design to the maximum extent practicable.

3. Land Use and Development Code – Suggested edits per County Planning Commission recommendation.

35.42.230 - Residential Second Units

D. Exclusion areas. Except as provided below, because of the adverse impacts on the public health, safety, and welfare, Residential Second Units shall not be allowed in Special Problem Areas designated by the Board based upon the findings that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location, or elevation problems.

- ~~1. Within a Special Problem Area other than the Mission Canyon Special Problem Area, etc.~~
2. Within a Special Problem Area other than the Mission Canyon Special Problem Area, etc.

Note: The County Planning Commission recommendation to delete section 35.42.230.D.1 will retain the existing LUDC provision allowing Residential Second Unit applications in the Mission Canyon Special Problem Area if:

- the application involves two contiguous legal lots under one ownership and at least one lot is vacant;
- the owner has submitted an offer to dedicate a Covenant of Easement over the vacant lot as long as the RSU is maintained on the developed lot; and,
- the vacant lot is deemed residentially developable.

3.1 Land Use and Development Code - Suggested edits per Long Range Planning Staff.

35.28.210 - Community Plan Overlay

H. Mission Canyon Community Plan area

2. Agricultural grading. The agricultural grading exception embodied in Section ~~6.(j)~~ 14-8.(a) of the Santa Barbara County Grading Ordinance shall not apply within the Mission Canyon Community Plan area. The Special Problems Area Committee shall review all grading permit applications, including those for agricultural grading within this area. All grading projects, whether or not accompanied by the erection of structures, shall require a Land Use Permit.

(Source: 1984 Mission Canyon Specific Plan, section 5.3.3, page 45)

3. Landscape Plan Water Conservation Development Standards. All development requiring a landscape plan shall be in compliance with the following development standards:

- a. No more than 20% of the landscaped area shall be planted in lawn and/or non-drought tolerant plants.
- b. All lawns shall utilize turf species listed as low water use varieties on the most recent list of low water use species published by the University of California Cooperative Extension.
- c. Turf shall not be used on slopes of 20% or greater.
- d. All planted areas, except those with lawns, groundcover, or other low lying shrubs, shall include mulch material to an average thickness of at least two inches throughout, except in the immediate vicinity of plant stems.
- e. Irrigation systems shall be designed such that there are separate valves serving each of the following areas:
 - (1) Lawn areas;
 - (2) Areas planted with non-drought tolerant plants; and
 - (3) Areas planted with drought tolerant plants.
- f. Irrigation systems shall be designed to prevent overspray and run-off. Areas of sprinkler coverage shall be shown on the landscape plan.
- g. Drip, trickle, or other low volume irrigation shall be provided on at least 25% of the landscaped area.

35.82.060 – Conditional Use Permits and Minor Conditional Use Permits

- E. **Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with Chapter 35.38 (Sign Standards).**

8. Additional findings required for sites within the Mission Canyon Plan area.

- a. The use does not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair the roadway evacuation capacity in the Mission Canyon plan area.
- b. Conditions have been required for, or incorporated into the use that mitigate or avoid onsite and offsite emergency evacuation impacts.

35.82.080 – Development Plans

E. Findings required for approval.

9. Additional findings required for Preliminary or Final Development Plans for sites within the Mission Canyon Plan area.

a. The use does not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair the roadway evacuation capacity in the Mission Canyon plan area.

b. Conditions have been required for, or incorporated into the use that mitigate or avoid onsite and offsite emergency evacuation impacts.

35.42.250 – Temporary Uses

E. Development Standards for all temporary uses.

6. Additional findings required for temporary uses and events within the Mission Canyon Plan area.

a. The use does not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair the roadway evacuation capacity in the Mission Canyon plan area.

b. Conditions have been required for, or incorporated into the use that mitigate or avoid onsite and offsite emergency evacuation impacts.

35.104.060 – Findings Required for Approval of Amendments

B. Findings required for Zoning Map Amendments within the Mission Canyon Plan area.

1. The use does not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair the roadway evacuation capacity in the Mission Canyon plan area.

2. Conditions have been required for, or incorporated into the use that mitigate or avoid onsite and offsite emergency evacuation impacts.

4. Residential Design Guidelines – Suggested edits per City of Santa Barbara comments.

Openings Guideline 4.29 Select door and windows for an addition or an accessory structure that are the same shape and size or are otherwise compatible with the dominant types on the principal structures, including proportions, materials, and detailing. Windows should be made of good quality and durable materials.

Exterior Materials and Colors Guideline 4.40 Use good quality, durable exterior materials and colors that complement and improve the neighborhood, are fire resistant, and are consistent with the architectural style of the dwelling.

Hillside Landscaping and Retaining Walls Guideline 7.11 Retaining walls should be stepped or terraced, and should blend into their surroundings, with height and length kept to a minimum and adequately setback from the front property line to allow ample room for bicycle and pedestrian passage.

Watershed Management Guideline 3.12 Site structures away from streams and natural drainage features and preserve and restore riparian and open space drainage areas.

Watershed Management Guideline 3.13 Use permeable paving materials for driveways, walkways, and patios where feasible~~and preserve open space drainage ways.~~

Watershed Management Guideline 3.15 Where appropriate, infiltrate runoff through on-site storage and drainage systems, such as into landscaped areas, bioswale, detention basin, rain barrel or French drain. Direct roof spouts to landscaping or other pervious areas.

Attachment E

Initiation Draft Mission Canyon Community Plan

Note: Hard copies of document provided to the Board of Supervisors.

The document can be viewed at:

http://longrange.sbcountyplanning.org/planareas/mission_canyon/missioncanyon.php

Attachment F

Residential Design Guidelines

Note: Hard copies of document provided to the Board of Supervisors.

The document can be viewed at:

http://longrange.sbcountyplanning.org/planareas/mission_canyon/missioncanyon.php

Attachment G

Land Use and Development Code Amendments

Draft Land Use & Development Code Additions and Amendments for the Mission Canyon Community Plan Area

1. MISSION CANYON OVERLAY

Chapter 35.28 - Overlay Zones

35.28.210 - Community Plan Overlay

H. Mission Canyon Community Plan area

1. Mission Canyon Scenic Corridor Development Standards. All development located on lots adjacent to Mission Canyon Road from the Plan area southern boundary at Rocky Nook Park to the intersection with Foothill Road (Scenic Corridor Map – Mission Canyon Community Plan) shall be in compliance with the following development standards:

a. Setbacks. The front setback of any portion of a lot adjacent to Mission Canyon Road shall be 80 feet from road centerline and 55 feet from right-of-way. This setback shall be applied for new structures, additions to existing structures, and instances when an existing structure is damaged or demolished and rebuilt.

(1) Detached accessory structures, other than those allowed in Section 35.30.150.D, shall not be located closer than the principal dwelling to the front setback.

b. Fences Gates, Gateposts and Walls.

(1) The historic character of original stone walls and gateposts shall be preserved and restored. Incompatible materials such as metal, chain link, wood or plastic shall not be used in front of or to increase the height of stone walls.

(2) New fences and walls located within a front setback area adjacent to Mission Canyon Road shall not exceed 3.5 feet in height. New fences and walls shall be constructed of natural materials that acknowledge through design the contextual setting of Mission Canyon. Chain link and bamboo fences, and plaster or stucco walls shall not be allowed within the front setback.

c. Historic Landmarks Advisory Commission Review.

(1) All projects requiring a Land Use Permit shall be reviewed on an advisory level by the Historic Landmarks Advisory Commission within the context of the historic setting including Mission Santa Barbara, Santa Barbara Museum of Natural History, “Glendessary House” (a County Landmark), and “Rockwood” (the Santa Barbara Woman’s Club).

2. OTHER LUDC ORDINANCE AMENDMENTS

Chapter 35.20 Development and Land Use Approval Requirements

35.20.040 - Exemptions from Planning Permit Requirements

The requirements of this Development Code that one or more planning permits (e.g., Coastal Development Permit, Land Use Permit, Conditional Use Permit, Minor Conditional Use Permit, Development Plan) be obtained prior to proposed development or the establishment of a land use do not apply to the land uses, structures, and activities identified by this Section.

A. General requirements for exemption. The land uses, structures, and activities identified by Subsection B. (Exempt activities and structures) below, are exempt from the planning permit requirements of this Development Code only when:

1. The use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Article (Zones and Allowable Land Uses), [Article 35.3 \(Site Planning and Other Project Standards\)](#), all applicable standards in Articles 35.4 through 35.7 of this Development Code, the required provisions and conditions of any existing, approved permits for the subject lot and, where applicable, [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#); and
2. Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).

B. Exempt activities and structures. The following are exempt from all planning permit requirements of this Development Code when in compliance with Subsection A. (General requirements for exemptions) above, except if addressed by Policy OS-O-5 and Development Standards 5.1 through 5.3 of the Orcutt Community Plan, the MT-GOL (Mountainous-Goleta) zone, the ESH-GOL (Environmentally Sensitive Habitat-Goleta) overlay zone, the RC-GOL (Riparian Corridor-Goleta) overlay zone, and the ESH overlay zone within the Coastal Zone.

2. Activities and structures exempt within the Inland area. The following activities and structures are exempt within the Inland area, in addition to those listed in Subsection B.1 (Activities and structure exempt both within the Inland area and the Coastal Zone) above, but are not exempt in the Coastal Zone.

a. Damaged or destroyed structure. The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director.

- (1) The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Section only, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.

(a) Mission Canyon Community Plan area. Notwithstanding Section 35.20.040.2.a(1) above, the replacement or restoration of a conforming structure located within the Mission Canyon Community Plan area that is damaged or destroyed by a disaster shall require a land use permit and shall require Design Review in compliance with Section 35.82.070

(Design Review).

- (2) If the Director determines that the exterior design or specifications are proposed to be changed, the restored or replaced structure shall require Design Review in compliance with [Section 35.82.070 \(Design Review\)](#), if the structure is otherwise required to have Design Review (e.g. the site is within the Design Control overlay).

Chapter 35.30 - Standards for All Development and Land Uses

35.30.070 - Fences and Walls

- A. Purpose.** This Section provides regulations for the installation, construction, and placement of fences on private property. For the purposes of this Section, a regulation for a "fence" applies to fences, walls, gates, gateposts, and other structures in the nature of a fence, except where any of these are specifically identified and separately regulated by this Section.
- B. Measurement of fence height.** Fence height shall be measured as the vertical distance between the natural grade at the base of the lower side of the fence, and the top edge of the fence material. See Figure 3-1.
- C. Height limits and permit requirements.** Each fence shall comply with following the height limits and permit requirements. In no case shall the height of the fence exceed the height limit established for the applicable zone by [Article 35.2 \(Zones and Allowable Land Uses\)](#). Additionally, a fence on a corner lot shall comply with the vision clearance requirements in [Section 35.30.090 \(Height Measurement and Exceptions and Limitations\)](#).
 - 1. Non-Agricultural zones.** Each fence shall comply with the height limits and permit requirements in Table 3-1.
 - 2. Agricultural zones.** Each fence shall comply with the height limits and permit requirements in Table 3-2 below.
 - 3. Exception to height limits.** A maximum of 10 percent of the total linear length of a wall or fence may be allowed to exceed the maximum height specified for exemption from a permit in Subsections C.1 (Non-Agricultural zones) or C.2 (Agricultural zones) above, where the review authority first determines that topographic or other unavoidable conditions will destroy its architectural integrity if held to the maximum height specified for its entire length.
 - 4. Retaining wall exemption.** A retaining wall (retaining earth only) that is not over four feet in height measured from the bottom of a footing to the top of the wall, and does not require a Grading Permit in compliance with County Code Chapter 14 is exempt from Coastal Development Permit or Land Use Permit requirements except when located within 300 feet of the edge of a coastal bluff or the inland extent of any beach, or within an Environmentally Sensitive Habitat area located in the Coastal Zone.

Table 3-1 - Fence Height and Permit Requirements in all Zones Except in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1,2)	Coastal Development or Land Permit Required	Minor Conditional Use Permit Required
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Not Applicable (3)	Fence more than 6 ft high; gatepost more than 8 ft high
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height.	Not Applicable	Fence more than 6 ft high; gatepost more than 8 ft high
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Not Applicable	Fence more than 8 ft high; gatepost more than 10 ft high
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- (1) Within the Coastal Zone, fences shall be exempt only if the development will:
- Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat or on or within 50 feet of a coastal bluff; and
 - Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) is required.

(2) Mission Canyon Community Plan area. Within the Mission Canyon Community Plan area, excluding the Mission Canyon Scenic Corridor, fences and gates 3.5 feet or less in height and gateposts 4 feet or less in height within the front setback shall be exempt from planning permits..

(3) In the Mission Canyon Scenic Corridor, fences, gates, and gateposts within the front setback shall require the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits). Maximum height for fences and gates shall not exceed 3.5 feet and gateposts shall not exceed 4 feet. Fences and gates in the side setback shall not exceed 3.5 feet within 25 feet of the front property line.

Within the Mission Canyon Community Plan area, excluding the Mission Canyon Scenic Corridor, fences and gates greater than 3.5 feet and less than or equal to 6 feet in height; and gateposts greater than 4 feet and less than or equal to 8 feet, shall require the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

35.30.120 - Outdoor Lighting

C. Mission Canyon Community Plan area.

- 1. General.** The regulations contained in this Subsection shall be known and referred to as the “Outdoor Lighting Regulations for the Mission Canyon Plan Area.”
- 2. Purpose and intent.** The purpose of this Subsection is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining nighttime safety, utility, security and productivity. The intent of this Subsection is to preserve and protect the nighttime environment of Mission Canyon by regulating unnecessary and excessive outdoor lighting.

3. Definitions. For the purposes of this Subsection the following words and phrases shall have the meanings respectively ascribed to them by this Subsection. The illustrations of the defined words or phrases are merely illustrative. If any conflict exists between the text of a definition and the corresponding illustration, the text shall govern.

Directional Lighting Methods. Direction of light downward, rather than upward or outward, with the intention of directing light where it is needed on the ground. Downward lighting also prevents unnecessary and unwanted spillover of light to adjacent areas and properties.

Fossil Fuel Lighting. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels, for example: gas, propane and kerosene lighting.

High Intensity Discharge Lamp. High pressure sodium, mercury vapor, metal halide, low pressure sodium, and other similar lamps.

Light Pollution. Any artificial light which causes a detrimental effect on the environment, astronomical research, enjoyment of the night sky or causes undesirable glare or light trespass.

Light Trespass. Artificial light that produces unnecessary and/or unwanted illumination of an adjacent property.

Luminous Tube Lighting. Gas filled glass tubing which when subjected to high voltage becomes luminescent in a color characteristic of the gas used (neon, argon, etc.).

Outdoor Light Fixture. Artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include outdoor lighting for:

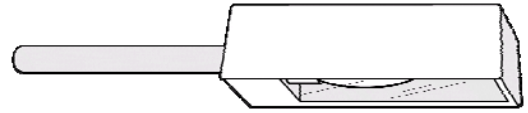
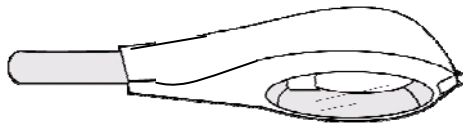
1. Buildings and structures
2. Recreational facilities
3. Parking lots
4. Landscape lighting
5. Billboards and other signs
6. Street lighting
7. Walkway lighting

Outdoor Recreation Facility. An area designated for active recreation, whether publicly or privately owned, including but not limited to: baseball and softball diamonds, soccer and football fields, equestrian arenas, golf courses, tennis courts and swimming pools.

Shielding. A barrier around a fixture that helps to conceal the lamp and control light distribution.

Fully Shielded. Outdoor light fixtures with a solid barrier that emit no light rays above the horizontal plane and effectively obscure the visibility of the lamp.

Fully Shielded Fixtures



2. Partially Shielded. A fixture that may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.



3. Unshielded. Unshielded means light fixtures lacking any means to restrict light emitted above the horizontal plane.



4. Approved materials and methods of installation.

- a. The provisions of this Subsection are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material or method:
- (1.) Provides approximate equivalence to the specific requirements of this article; or
 - (2.) Is otherwise satisfactory and complies with the intent of this article.

5. Prohibited Lights

- (a) All illuminated advertising signs on and off premises shall be prohibited.
- (b) All outside illumination for aesthetic, recreational, and/or decorative purposes for any structure and/or surrounding landscape that is not fully shielded shall be prohibited between 10:00 p.m. and sunrise. All outside illumination between 10:00 p.m. and sunrise shall be shielded.
- (c) Searchlights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.

6. Exemptions. The following are exempt from the provisions of this ordinance:

- (a) All outdoor lighting fixtures existing and legally installed prior to the effective date of this Subsection are exempt from the shielding requirements of this Subsection. Existing lighting fixtures shall be subject to the requirements of Subsection C.5 requiring lights that are not fully shielded to be turned off at 10:00 p.m. Existing shielded lights are not subject to a turn-off time.
- (b) Fossil fuel light.
- (c) Traffic control signals and devices.
- (d) Street lights installed prior to the effective date of this ordinance.
- (e) Temporary emergency lighting (i.e. fire, police, public works).
- (f) Moving vehicle lights.
- (g) Seasonal decorations with individual lights in place no longer than 60 days.
- (h) Fully shielded security lights that are controlled by a motion-sensor switch and which do not remain on longer than 10 minutes after activation.
- (i) Projects with approved construction plans prior to the effective date of this ordinance are excluded from compliance with the ordinance in the initial installation only.
- (j) Solar walkway lights.

7. General Requirements. All non-exempt light fixtures requiring a County permit for their installation shall be subject to the following general requirements:

- (a) All outdoor light fixtures installed after the effective date of this article and thereafter maintained upon private property, public property, or within the public right-of-way shall be fully shielded.
- (b) Illumination from light fixtures shall be shielded to minimize glare extending towards roadways.
- (c) All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this ordinance.
- (d) Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods.

(e) Externally illuminated signs and building identification lights shall use top mounted light fixtures which shine downward and are fully shielded.

8. Submission of Plans and Evidence of Compliance. The applicant shall submit as part of the permit application for any permit required by the County for work involving outdoor light fixtures (except for exempt fixtures in compliance with Subsection C.6) evidence that the proposed work will comply with this Subsection. The submission shall contain:

(a) Plans showing the locations of outdoor lighting fixtures.

(b) Descriptions of the outdoor lighting fixtures including manufacturer's catalog cuts and drawings. Descriptions and drawings shall include lamp or bulb type, wattage, beam angle, and shielding.

The above plans and descriptions shall be sufficiently complete to readily determine whether compliance with the requirements of this Subsection has been met.

Chapter 35.36 - Parking and Loading Standards

35.36.050 - Required Number of Spaces: Residential Uses

1. Mission Canyon Community Plan area. Within the Mission Canyon Community Plan area: 3 spaces per dwelling unit for new dwelling units permitted after the effective date of the Mission Canyon Community Plan. Three spaces shall also be required for a dwelling unit in the following circumstances:

a. Additions to the dwelling unit, either individually or combined, are greater than 50 percent of the gross floor area of the dwelling as it existed as of the effective date of the Mission Canyon Community Plan, or

b. A remodel of an existing dwelling results in an increase in the number of bedrooms that existed as of the effective date of the Mission Canyon Community Plan.

35.36.080 - Standards for All Zones and Uses

B. Construction and Design.

2. Except as provided below, uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.

(a) Mission Canyon Community Plan area. Within the Mission Canyon Community Plan area the following parking spaces shall be paved with permeable materials on a suitable base, including concrete pavers, turf block, permeable asphalt, etc.

(1) One of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 where the principal use is residential.

(2) In any zone, any parking spaces that are provided in addition to the required number of spaces.

(3) The use of permeable materials shall be encouraged for parking spaces or driveways not subject to Fire Department minimum structural design standards for emergency access.

H Location. Except as provided below, off-street parking spaces shall not be located in the required front or side setback unless specifically allowed by this Development Code. Provisions shall be made for direct access from the street to each parking space. The access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.

1. **Mission Canyon Community Plan area.** Within the Mission Canyon Community Plan area, one of the three required parking spaces associated with the principal dwelling on a lot zoned R-1\E-1 where the principal use is residential may be located in the front setback provided the location is approved in compliance with Section 35.82.070 (Design Review).

(a) Tandem parking may be allowed on residentially zoned lots of 7,000 square feet or less.

Chapter 35.42 - Standards for Specific Land Uses

35.42.230 - Residential Second Units

D. Exclusion areas. Except as provided below, because of the adverse impacts on the public health, safety, and welfare, Residential Second Units shall not be allowed in Special Problem Areas designated by the Board based upon the findings that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location, or elevation problems.

2. Within a Special Problem Area other than the Mission Canyon Special Problem Area, etc.

Chapter 35.80 - Permit Review and Decisions

35.82.070 - Design Review

C. Exceptions to Design Review Requirements. Design review shall not be required for the following:

1. General.

b. Fences, gates, gateposts and walls as follows; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the architectural review of a new residence, a remodeling, or an addition to a structure requiring architectural review:

(1) Fences, gates, gateposts and walls located in the front setback area that are exempt from a planning permit in compliance with Table 3-1 (Fence Height and Permit Requirements in all Zones Except in Agricultural Zones).

F. Findings required for approval.

6. Additional findings required for Design Review applications within the Mission Canyon Plan Area.

a. Plans for new or altered structures subject to the provisions of Section 35.28.080 (Design Control Overlay) will be in compliance with the Mission Canyon Residential Design Guidelines as applicable. The Mission Canyon Residential Design Guidelines, which are intended to serve as a guide only, shall constitute “additional design standards” for purposes of Section 35.82.070(F)(1)(i).

- b. Large visible understories (greater than 4 ft in height) and exposed retaining walls are minimized.
- c. Retaining walls are colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
- d. The visible portion of a retaining wall above finished grade does not exceed a height of six feet. The Board of Architectural Review may grant an exemption to this finding if a written finding is made that the exemption will allow a project that:
 - (1) Furtheres the intent of protecting hillsides and watersheds;
 - (2) Enhances and promotes better structural and/or architectural design; and
 - (3) Minimizes visual or aesthetic impacts.

7. Additional findings required for Design Review applications within the Mission Canyon Scenic Corridor.

- a. New buildings or alterations to existing structures shall not impede views of, or interfere with the visual character of the scenic corridor.
- b. New buildings or alterations to existing structures shall be reviewed within the context of traditional architecture in the vicinity including Mission Santa Barbara, the Santa Barbara Museum of Natural History, and “Rockwood” (the Santa Barbara Woman’s Club). While no particular architectural style is prescribed for this area, project design should promote a smooth transition from the City of Santa Barbara’s “El Pueblo Viejo Landmark District” (around the Mission) to Mission Canyon. In this area, high quality construction and materials for exterior finishes shall be used.
- c. Where a traditional Spanish architectural style is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required.

35.82.130 - Modifications

B. Applicability.

3. Allowed Modifications.

- f. **Reduction of parking spaces.** A reduction in the required number and/or a modification in the design or location of parking spaces and loading zones may be allowed provided that in no case shall:
 - (1) The number of required parking spaces be reduced in the High Density Student Residential (SR-H), Medium Density Student Residential (SR-M) or Single Family Restricted (SF) overlay zones, and within the Mission Canyon Community Plan area.

35.101.020 - Nonconforming Uses of Land and Structures

A nonconforming use may be continued subject to the following provisions, so long as the use remains otherwise lawful.

A. Structural change.

1. Allowed enlargements, extensions, moving, reconstruction, or structural alterations.

Except as listed below or otherwise provided in this Development Code, no existing structure devoted to a nonconforming use under this Development Code shall be enlarged, extended, moved, reconstructed, or structurally altered unless the use is changed to a use allowed in the zone in which it is located.

a. Seismic retrofits allowed. Seismic retrofits as defined in [Chapter 35.110 \(Definitions\)](#) in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#), may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).

b. Rehabilitation of dwellings. Existing structures devoted to a nonconforming residential use may be enlarged, extended, reconstructed, relocated, and/or structurally altered in compliance with Subsection F. (Limited exceptions for certain nonconforming residential uses) below.

c. Rehabilitation of dwellings threatened due to coastal erosion. Existing structures devoted to a nonconforming residential use that are threatened due to coastal erosion may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided all of the following criteria are met:

- (1) The structure is located on property zoned either SR-M or SR-H.
- (2) Any alteration complies with the setback and height requirements of the applicable zone.
- (3) Any alteration does not result in the removal of required parking spaces.
- (4) Any alteration does not result in an increase in the number of bedrooms within the dwelling, unless the increase is in compliance with the bedroom density standards of the applicable zone.

d. Normal maintenance and repair. Provided no structural alterations are made, normal maintenance and repair may occur.

e. Historical landmarks. A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

f. Historical structures.

- (1) Mission Canyon Community Plan area.** A structure located in the Mission Canyon Community Plan area that is eligible for either Place of Historic Merit or Landmark status as determined by the Historical Landmark Advisory Commission in compliance with County Code Chapter 18A may be enlarged,

extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed alterations and has determined that the proposed alterations will help to preserve and maintain the historic character in the long-term.

2. **Accessory to a conforming use.** No structure accessory to a nonconforming use under this Development Code shall be enlarged, erected, or extended unless the structure is also accessory to a conforming use.

B. Expansion or extension.

1. An existing nonconforming use may be extended throughout or relocated within an existing structure; provided, no structural alterations are made except those required by law or ordinance (e.g., Building Code regulations).
2. No existing nonconforming use shall be extended to occupy any land outside of the structure.
3. No existing nonconforming use of land outside structures, or not involving structures, shall be enlarged, extended, or increased to occupy a greater area of land than was occupied at the time the use became nonconforming, or moved to any portion of the lot not currently occupied by the nonconforming use.

C. Allowed changes of use. A nonconforming use may only be changed to a conforming use.

D. Abandonment/discontinuance. A nonconforming use that is discontinued for a continuous period of at least 12 consecutive months shall be considered to be abandoned and the rights to continue the nonconforming use shall terminate. If a nonconforming use is abandoned, any future use shall comply with the provisions of the zone in which the use is located.

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

- a. **Damage 75 percent or more.** If structure or other development dedicated to a nonresidential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations of the zone in which it is located, unless allowed to continue by the Zoning Administrator, in compliance with [Section 35.82.095 \(Hardship Determinations\)](#).
- b. **Damage less than 75 percent.** If the damage caused by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure or other developments may be restored to the same or lesser size and in the same general

footprint location. The nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

2. **Residential uses.** Except in industrial zones, structures dedicated to nonconforming residential dwelling uses (e.g., one-family, two-family, and multi-family units, and second residential units), that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs, the structures may be reconstructed to the same or lesser size and in the same general footprint location. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms). If the structure dedicated to a nonconforming residential dwelling use is located in an industrial zone, the damage standards of Subsection E. 1 (Non-residential uses) above, shall apply.
3. **Reconstruction shall commence within 24 months.** The restoration of a nonconforming use allowed in compliance with Subsection E.1 (Non-residential uses) and Subsection E.2 (Residential uses) above, shall commence within 24 months of the time of damage and be diligently carried out to completion.
 - a. The 24-month time limit may be extended by the Director for a maximum of 12 months for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month period.
 - b. If the restoration of the nonconforming use does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

35.101.030 - Nonconforming Structures

A structure that is conforming as to use but nonconforming as to height, lot coverage, setbacks, or other requirements concerning the structure may remain so long as it is otherwise lawful, subject to the following provisions.

A. Structural change, expansion, or extension.

1. **Enlargements or extensions allowed in limited circumstances.** Except as listed below or otherwise provided in this Development Code, a nonconforming structure may not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Development Code.
 - a. **Seismic retrofits allowed.** Seismic retrofits as defined in [Chapter 35.110 \(Definitions\)](#); in compliance with [Section 35.20.040 \(Exemptions from Planning Permit Requirements\)](#) may be allowed but shall be limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements, including State law (e.g., Title 24, California Code of Regulations).
 - b. **Normal maintenance and repair.** Normal maintenance and repair may occur provided no structural alterations are made.

- c. **Historical landmarks.** A structure that has been declared to be a historical landmark in compliance with a resolution of the Board may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed structural alterations and has determined that the proposed structural alterations will help to preserve and maintain the landmark in the long-term.

d. Historical structures.

- (1) Mission Community Plan area. A structure located in the Mission Canyon Community Plan area that is eligible for either Place of Historic Merit or Landmark status as determined by the Historical Landmark Advisory Commission in compliance with County Code Chapter 18A may be enlarged, extended, reconstructed, relocated, and/or structurally altered provided the County Historical Landmarks Advisory Commission has reviewed and approved the proposed alterations and has determined that the proposed alterations will help to preserve and maintain the historic character in the long-term.

2. **Accessory living quarters.** No living quarters may be extended into an accessory structure located in the required front, side, or rear setbacks by any addition or enlargement.

B. Damage. This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.

1. **One-family dwellings.** Nonconforming one-family dwellings that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size in the same general footprint location.

2. Structures other than one-family dwellings - Inland area.

a. Damage 75 percent or more.

- (1) If a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the structure may not be reconstructed unless allowed by the Zoning Administrator, in compliance with [Section 35.82.095 \(Hardship Determinations\)](#).
- (2) If the damaged nonconforming structure is accessory to a primary structure and there is substantial question regarding the extent of damage, as determined by the Director, the Zoning Administrator shall first find, in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#) that the structure is nonconforming and shall determine the extent of damage.

b. Damage less than 75 percent.

- (1) Where a nonconforming structure, other than a one-family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of less than 75 percent of the replacement

cost of the total structure before the damage, as determined by the Director, the structure may be reconstructed to the same or lesser size in the same general footprint location.

- (2) If the damaged nonconforming structure is accessory to a primary structure, notice of the potential reconstruction shall be given in compliance with [Section 35.106.020 \(Notice of Public Hearing and Review Authority Action\)](#). If a request for public hearing is received by the Department within the applicable period of time, then the reconstruction of the accessory structure shall not commence unless the Zoning Administrator first finds, in compliance with [Section 35.82.140 \(Nonconforming Status and Extent of Damage Determination\)](#) that the structure is nonconforming and that the extent of damage is less than 75 percent.

3. Structures other than one-family dwellings - Coastal Zone.

4. Sites within the Carpinteria Agricultural overlay zone.

5. Sites within the Montecito Coastal Zone.

6. Sites within the Toro Canyon Plan Area.

7. Sites within the Mission Canyon Plan Area. Notwithstanding the above, the following standards apply to nonconforming structures on lots located within the Mission Canyon Community Plan Area. In case of a conflict, the standards of this Subsection shall take precedence.

a. Residential structures. For the purpose of this Subsection, “residential structure” shall mean primary dwellings, residential second units, farm employee dwellings, guesthouses, and all attached appurtenances (e.g., garages and storage rooms) that share at least one common wall with the residential structure. One detached private garage structure may be included within the meaning of “residential structure” in compliance with Section 35.82.140 (Nonconforming Status and Extent of Damage Determination).

- (1) A residential structure that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size on the same site and in the same general footprint location.
- (2) A residential structure that is nonconforming solely due to any policy, development standard, or zoning regulation first applied and adopted under the Mission Canyon Community Plan, which requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or repaired to the same or lesser size on the same site and in the same general footprint location.
- (3) A residential structure that is nonconforming solely due to its location within an Environmentally Sensitive Habitat area or Environmentally Sensitive Habitat buffer area may be expanded upward, or outward and away from the Environmentally Sensitive Habitat area, consistent with Development Standard BIO-MC-1.9 of the Mission Canyon Community Plan and in a manner that

otherwise complies with the regulations of the Mission Canyon Community Plan and this Development Code.

b. Non-residential structures, not including agricultural support structures.

- (1) A nonconforming non-residential structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may be reconstructed to the same or lesser size on the same site and in the same general footprint location, provided that the reconstruction complies with the regulations of the Toro Canyon Plan, Mission Canyon Community Plan and this Development Code to the maximum extent feasible, and if allowed by the review authority in compliance with [Section 35.82.095 \(Hardship Determinations\)](#).
- (2) A nonconforming non-residential structure that requires partial or complete reconstruction or structural repair due to normal wear-and-tear (e.g., structural pest damage or dry rot) may be reconstructed or structurally repaired to the same or lesser size on the same site and in the same general footprint location, provided that the repair or reconstruction conforms with the regulations of the Toro Canyon Plan, Mission Canyon Community Plan and this Development Code to the maximum extent feasible and if allowed by the review authority in compliance with [Section 35.82.095 \(Hardship Determinations\)](#).

8. Reconstruction shall commence within 24 months.

- a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure shall commence within 24 months of the time of damage and be diligently carried out to completion.
- b. Within the Mission Canyon Community Plan area and the Toro Canyon Plan area, reconstruction or structural repair required due to normal wear and tear (e.g., structural pest damage or dry rot) as allowed above shall commence within 24 months of the time of the owner's first documented discovery of the need for reconstruction or repair, and shall be diligently carried out to completion.
- c. The 24-month time limit may be extended by the Director one time for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month time period.
- d. If the reconstruction or restoration of the structure does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.
 - (1) Within the Mission Canyon Community Plan area and the Toro Canyon Plan area, where the reconstruction or structural repair allowed above does not commence within the specified 24 months or the extended time period that may be granted by the Director, the structure shall not be reconstructed or repaired

except in full compliance with the regulations of the Mission Canyon Community Plan and the Toro Canyon Area Plan.

9. Applicability of permit requirements.

- a. Exempt from Development Code permit requirements.** The restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director. Full compliance with applicable Building Code provisions is still required.
- b. Design Review required.** If the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of [Section 35.82.070 \(Design Review\)](#) if otherwise subject to review (e.g., the site is within the D-Design Control overlay, Montecito Community Plan overlay) in compliance with this Development Code.
- c. Subject to Development Code permit requirements.** If the structure is proposed to be altered from the original specifications, as determined by the Department, the restoration shall be subject to all applicable permit requirements of this Development Code.

Chapter 35.28 - Overlay Zones

35.28.111 – Environmentally Sensitive Habitat Area – Mission Canyon (ESH-MC) Overlay Zone

A. Purpose and intent. The ESH-MC (Environmentally Sensitive Habitat Area - Mission Canyon) overlay zone is applied to areas within the Mission Canyon Community Plan with unique natural resources and/or sensitive animal or plant species, where existing and potential development and other activities may despoil or eliminate the resources. This overlay is intended to:

1. Protect and preserve specified areas in which plant or animal life or their habitats are either rare or especially valuable because of their role in the ecosystem, and that could be easily disturbed or degraded by human activities and developments; and
2. Ensure that each project permitted in the overlay zone is designed and carried out in a manner that will provide maximum feasible protection to sensitive habitat areas.

B. Applicability.

1. Boundary determinations. The zoning map, and the process described in Subsection C.3 (Boundary determination) below, shall guide determining whether this overlay zone applies to any area of land or water. The requirements of this Section do not apply if the process in Subsection C.3 (Boundary determination) below, results in a determination that the habitat area delineated on the zoning map is not located on the particular site.

2. Identification of newly documented sensitive habitat areas. If an environmentally sensitive habitat area is identified by the County on site during permit application review, but the habitat area is not included in the ESH-MC overlay zone, the provisions of Subsections C.

through F. below, shall apply. The County will periodically update the zoning map to apply the ESH overlay zone to the new habitat areas and applicable setback areas.

3. Relationship to primary zone. Each land use and proposed development within the ESH-MC overlay shall comply with all applicable requirements of the primary zone, in addition to the requirements of this Section.

4. Additional requirements. The biological resource policies and development standards in the Mission Canyon Community Plan shall apply to any area of land or water zoned ESH-MC in addition to the requirements of this Section.

a. Vegetation clearance for fuel management for existing structures shall adhere to standards specified in the California Fire Code, County of Santa Barbara Fire Code, and Mission Canyon Community Wildfire Protection Plan.

(1) Vegetation clearance for fuel management within ESH shall maintain the habitat's structural integrity and ecological functions that physically support species (i.e., stream bank stabilization, erosion control and water quality, shading effects of tree canopies).

C. Permit and processing requirements.

1. Land Use Permit requirement. A Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for the following activities, in addition to those required to have a Land Use Permit by the primary zone.

a. Exemptions: Vegetation management plans approved by Santa Barbara County Fire Department and vegetation clearance for annual fuel management purposes for existing structures shall not require a Land Use Permit.

b. The removal of native vegetation, except for vegetation fuel management consistent with Subsection B.4.a above, along 50 linear feet or more of a creek bank or removal that, when added to the previous removal of native vegetation within the affected habitat on the site, would total 50 or more linear feet of native vegetation along a creek bank.

c. Within ESH areas, vegetation clearance for fuel management associated with new dwelling units or additions to dwelling units, either individually or combined, which are greater than 50 percent of the gross floor area of the dwelling as it existed as of the effective date of the Mission Canyon Community Plan, shall be subject to the following:

(1) If a biological report is determined to be necessary by the Director, per Subsection C.3.c below (Boundary determination), the report shall describe vegetation clearance for fuel management within ESH. The plan shall be prepared by a qualified biologist, in consultation with County Fire Department, and shall contain measures to ensure that the habitat's structural integrity (e.g., stable stream banks, tree canopies providing shade, adequate ground cover for erosion control and wildlife cover) and ecological functions (e.g., maintenance of water quality) that physically support species are maintained.

d. Grading in excess of 50 cubic yards of cut or fill.

2. Minor Conditional Use Permit requirement. Except for vegetation fuel management consistent with Subsection B.4.a above, a Minor Conditional Use Permit shall be required where native vegetation is proposed to be removed from more than one acre, or 500 linear feet of creek bank, or where grading would exceed 1,500 cubic yards of cut and fill.

3. Boundary determination. The process for delineating the precise boundary of an environmentally sensitive habitat occurs during the review of an application for development, or other activity that requires a Land Use Permit in compliance with this Section.

a. Upon receipt of an application for a project within the ESH-MC overlay zone, the Department shall determine if the proposed project is located in or within 100 feet of an environmentally sensitive habitat area by reviewing the Mission Canyon Community Plan ESH Map and, where appropriate, by conducting a site visit.

b. If the project is determined by the Director to not be located in or within 100 feet of an environmentally sensitive habitat area, the project shall not be subject to the requirements of this Section, or the biological resource ESH policies and development standards in the Mission Canyon Community Plan.

c. If the Director determines that the proposed project is located in or within 100 feet of an environmentally sensitive habitat area, a site inspection by the Department biologist may be required. If the Director determines a biological report is necessary to identify the environmentally sensitive habitat area, the report shall be prepared by a qualified biologist to be selected jointly by the Department and the applicant. Upon completion of the site inspection, and if determined by the review authority to be necessary, conditions shall be applied to the permit that will protect the environmentally sensitive habitat area to the maximum extent feasible, consistent with the biological resource policies and development standards in the Mission Canyon Community Plan.

4. Dispute resolution. If the environmentally sensitive habitat boundary determined through the process specified in Subsection C.3 (Boundary determination) above is disputed by the applicant, further study of the potential environmentally sensitive habitat on the site shall be required.

a. If the Director determines, based upon additional evidence presented by a qualified biologist, that a site does not contain biological resources and sensitive habitats identified as environmentally sensitive habitat in the Mission Canyon Community Plan, the project proposed on the lot shall not be subject to the requirements of this Section.

b. In the event there is disputed biological evidence, third-party review by another qualified biologist shall be required, at the expense of the applicant, before the environmentally sensitive habitat designation may be found inapplicable. If the Director determines that the preponderance of credible evidence in a biological assessment does not support rescinding the environmentally sensitive habitat designation or modifying the environmentally sensitive habitat boundary, the area shall remain mapped as environmentally sensitive habitat and the project shall comply with all applicable requirements of this Section.

D. Application requirements. An application for development shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing).

E. Finding required for permit approval. Prior to approval of any permit for a project within the ESH-MC overlay zone, the review authority shall first find that the proposed project complies with all applicable biological resource policies and development standards in the Mission Canyon Community Plan.

F. Conditions of approval. A permit shall be conditioned to ensure consistency with the Mission Canyon Community Plan.

1. The 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 project to ensure protection of the habitat.

2. The conditions may also include deed restrictions and conservation and resource easements. Any regulation of the primary zone, except permitted or conditionally permitted uses, may be altered by express conditions in the permit, to achieve the purposes of this overlay zone, provided that the alteration is not less restrictive than the regulations of the primary zone.

ARTICLE 35.11 - Glossary

Chapter 35.110 - Definitions

35.110.020 - Definitions of Specialized Terms and Phrases

M. Definitions, "M."

Mission Canyon Community Plan. That portion of the County located within the boundaries of the Mission Canyon Community Plan area as shown on the Mission Canyon Community Plan Land Use Map.

Mission Canyon Scenic Corridor. A corridor of land consisting of lots adjacent to Mission Canyon Road located south of Foothill Road, as shown on the Mission Canyon Community Plan Scenic Corridor Map.