

Attachment H

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

IN THE MATTER OF RECOMMENDING THAT THE) RESOLUTION NO. 09-_____
BOARD OF SUPERVISORS ADOPT AN ORDINANCE)
THAT AMENDS SECTION 35-1 OF CHAPTER 35 OF) Case Nos: 09ORD-00000-00010;
THE COUNTY CODE, THE SANTA BARBARA) 09RZN-00000-00007
COUNTY LAND USE AND DEVELOPMENT CODE,)
TO AMEND ZONING MAPS AND TEXT TO)
IMPLEMENT THE SANTA YNEZ VALLEY)
COMMUNITY PLAN)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors:
1. Adopt an ordinance (Case No. 09ORD-00000-00010) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code. Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
 2. Adopt a rezone (Case No. 09RZN-00000-) to amend, retire, and adopt the following zoning and zoning overlay maps applicable to the Santa Ynez Valley Community Plan area.
 - a. Adopt by reference the “Santa Ynez Community Plan Zoning” map (Exhibit 2), which reflects the zoning designations adopted for parcels within the Santa Ynez Valley Community Plan;
 - b. Adopt by reference the “Santa Ynez Community Plan Zoning Overlays” map (Exhibit 3), which reflects zoning overlay designations adopted for the Santa Ynez Community Plan; and
 - c. Amend the “Santa Ynez Valley Rural Region, Zoning” map to remove the area covered by the Santa Ynez Community Plan Zoning map, and retire the “Santa Ynez Valley Zoning – Urban Areas” map, The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan and the requirements of the State Planning, Zoning and Development laws.
- C. The proposed Ordinance and Rezone is in the interest of the general community welfare, since the Land Use and Development Code map and text amendments will implement the policies, and standards incorporated in the Santa Ynez Valley Community Plan.
- D. 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 pursuant to Sections 65853 of the Government Code.

- E. The Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed amendments, at which hearing the amendments were explained and comments invited from the persons in attendance.
- F. The Planning Commission of the County of Santa Barbara, after holding duly noticed public hearings on the above described item, has endorsed and transmitted to the Board of Supervisors said recommended change by resolution pursuant to Government Code Section 65855.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. A copy of this resolution shall be transmitted to the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this _____ of _____, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

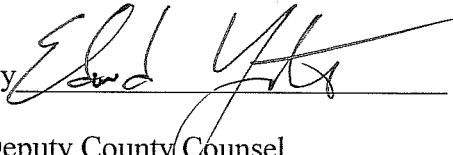
DANIEL BLOUGH, Chair
County Planning Commission, County of Santa Barbara

ATTEST:

DIANNE BLACK
Secretary of the Commission

APPROVED AS TO FORM:
DENNIS MARSHALL
County Counsel

By



Deputy County Counsel

EXHIBITS:

1. Land Use and Development Code Ordinance Amendments 09-ORD-00000-00001
2. Santa Ynez Valley Community Plan Zoning map
3. Santa Ynez Valley Community Plan Zoning Overlays map

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SECTION 35.28.030, AFFORDABLE HOUSING OVERLAY, SECTION 35.28.210, COMMUNITY PLAN OVERLAYS, SECTION 35.30.120, OUTDOOR LIGHTING, SECTION 35.30.190 SUBDIVISION, LOT SIZE, SECTION 35.82.070 DESIGN REVIEW; AND MAKE OTHER MINOR REVISIONS AS NECESSARY TO IMPLEMENT THE SANTA YNEZ VALLEY COMMUNITY PLAN

Case No. 09ORD-00000-00010

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.1, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.28.030 – Affordable Housing (AH) Overlay Zone, of Chapter 35.28, Overlay Zones, to read as follows:

35.28.030 - Affordable Housing (AH) Overlay Zone

A. Purpose and intent. The Affordable housing (AH) overlay zone is intended to promote affordable housing production, and implement the policies of the Housing Element by providing substantial incentives to developers through standards of development and performance.

B. Applicability.

1. Density bonus. A residential development project within the AH overlay zone is eligible for increased density up to the maximum number of units designated by the overlay zone on the Zoning Map provided that either:
 - a. Thirty percent or more of all new units are available to very low income households; or
 - b. Fifty percent or more of all new units are available to a mix of very low, low, lower-moderate and upper moderate income units according to the proportional allocations for each income category as indicated in Table 2-26 (AH Overlay 50% Mix Allotment) below:

Within the Santa Ynez Valley Community Plan Area, residential development projects are only eligible for increased densities provided that 30 percent or more of all new units are available to very low income households.

35.28.080 – Design Control (D) Overlay Zone

F. Santa Ynez Valley Community Plan Area

- 1. Special provisions for projects within the Design Control (D) Overlay of the Santa Ynez Valley Community Plan Area.** The following projects shall be exempt from design review:

- a. Agricultural support structures of less than 1,000 square feet (gross)
- b. Deer and livestock fencing up to 8 feet in height.
- c. Structures that cannot be viewed from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from public roadways.

SECTION 2:

ARTICLE 35.1, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Section 35.28.210F – Santa Ynez Valley Community Plan area: Section 35.28.210F.1 – MU-SYV Mixed Use – Santa Ynez Valley Overlay; Section 35.28.210F.2 – Santa Ynez HS-Heritage Sites Overlay, of Chapter 35.28, Overlay Zones, to read as follows:

35.28.210 – Community Plan Overlays

F. Santa Ynez Valley Community Plan area.

1. MU-SYV Mixed Use – Santa Ynez Valley Overlay

a. Purpose and Intent. This Overlay District has been designed to: generate additional opportunities for in-fill housing while simultaneously protecting the commercial viability and potential of the zone district. Other goals include: maintain the pedestrian-oriented character of the downtown areas, ensure attractive and compatible architectural design of future projects, reduce regulatory barriers to mixed-use development and prohibiting uses that conflict with the townships of Santa Ynez, Los Olivos and preserve the rural ambiance.

b. Applicability. The provisions of this overlay district shall apply to areas designated with the Mixed Use Santa Ynez Valley Overlay. The MU-SYV Overlay may only be applied to properties with an underlying base zone district of C-1 or C-2 and located in an area designated as Urban on County land use maps within the Santa Ynez Valley Community Plan boundaries.

c. Effect of MU-SYV Overlay District. Within the area subject to this overlay district, all uses of land shall comply with the requirements of the applicable underlying base zone district, with the exception that uses identified in Sec. 35.28.210.F.1.D (Prohibited Uses) are not allowed, residential use as part of mixed use development shall be restricted according to Sec. 35.28.210.F.1.E (Requirements for Mixed Use Development) and the development standards in Sec. 35.28.210.F.1.F (Development Standards) shall apply.

d. Prohibited Uses. Within the MU-SY Overlay the following uses shall be prohibited:

- (1) Frozen food locker.
- (2) Storage warehouse including mini-storage.
- (3) Unenclosed new and used automobile sales lot.
- (4) Automobile service station.
- (5) Lumber and building materials sales yard.
- (6) Mechanical car wash.

- (7) Trailer and truck rentals.
- (8) Contractor equipment storage yard.
- (9) Single Room Occupancy Facility.

e. Requirements for Mixed Use Development. The development of a site or building with a combination of residential and commercial use shall be restricted as follows:

- (1) To ensure the overall nature and intent of the commercial district is maintained, gross residential floor area shall not exceed 66% of total gross floor area.
 - a. Residential use consisting of less than or equal to 25% of total gross floor area shall be allowed subject to the processing requirements of the base zone district.
 - b. Residential use consisting of more than 25% and up to 50% may be allowed with approval of a Major Conditional Use Permit.
 - c. Residential use consisting of 51% to 66% of total gross floor area may be allowed with approval of a Major Conditional Use Permit if the applicant can demonstrate that the project meets the following criteria:
 - 1. The project site is on the periphery of the commercial core and/or is adjacent to residential
 - 2. Due to parcel configuration commercial development beyond 49% is not viable (e.g. narrow street frontage).
- (2) Ground floor street frontage along streets with the highest traffic flows shall be commercial.
- (3) Affordable Housing Requirement
 - a. Twenty-five percent of Residential units shall be rented to a very low or low income household at a level that meets County affordability criteria and administered by the County.
 - b. For projects that result in a fractional unit for section (a), the fractional requirement may be met through the payment of an in-lieu fee consistent with the In-lieu fee policy detailed in the Housing Element.

f. Development Standards. The development standards of the base zone district shall apply to all structures subject to the following exceptions:

- (1) Setbacks: No front setback shall be required.
- (2) Parking:
 - a. The required number of commercial parking spaces shall be 50% of the standard County parking requirements (Sec 35.36.110).
 - b. Parking requirements for residential uses shall be the same as the standard County parking requirements (Sec-35.36.100).
 - c. The review authority may approve a reduction or waiver of the on-site parking requirement, if one or more of the following findings can be made:
 - i. A shared parking agreement in a form acceptable to County Counsel is executed and recorded by the applicant and property owner(s) within 1,000 feet of the Mixed-Use Overlay District to accommodate the parking deficit.
 - ii. The project parcel's configuration does not allow for driveway access from the rear or side and would require installation of a driveway along a

pedestrian-oriented stretch of sidewalk to the detriment of pedestrian safety or streetscape aesthetics.

- iii. A parking study may be required to determine if adequate parking exists either on the street or within public parking lots in the Mixed-Use Overlay District to accommodate 80% of the peak parking demand generated by the project.

(3) Prior to the issuance of any Land Use Permit for buildings or structures, all final plans of buildings and structures shall be approved by the Board of Architectural Review, as provided in Sec. 35.82.070.

2. Santa Ynez HS-Heritage Sites Overlay

A. Purpose and Intent. The purpose of this overlay district is to designate those parcels in the Santa Ynez Valley whose potential subdivision requires a higher level of scrutiny and careful consideration in order to ensure that several community objectives are met. These objectives are: preserving the rural aesthetic at valley and township gateway areas, maintaining separation between the townships, and providing compatibility in lot size with neighboring parcels. The overlay has been placed on select parcels whose location, visibility or other characteristics make them pivotal in maintaining the Valley's rural character.

B. Processing. Prior to Decision Maker consideration of any application for subdivision of a Heritage Site, that application shall be reviewed by the Valley Planning Advisory Committee (VPAC) or a similar local advisory committee appointed by the Board and a recommendation from that body shall be issued for decision maker consideration. ~~All parcels designated as Heritage Sites (HS) are located within the Design Control (D) Overlay district. Therefore, new buildings and structures on HS parcels require design review and approval in accordance with the Design Control D Overlay district (Sec. 35.28.080) regulation prior to issuance of land use permits.~~

C. Applicability and District Boundaries. The provisions of this overlay district shall apply to any areas zoned HS on the applicable Santa Barbara County Zoning Overlay map. Within the areas subject to this overlay district, all uses of land shall comply with the requirements of the applicable base zoning district, provided, however, that all development shall comply with any additional requirements set forth in the overlay district. In cases where the regulations of this overlay district conflict with the regulations of the base zoning district, the regulations of the overlay district shall take precedence.

D. Findings Required for Approval of Subdivisions. In order to approve a Heritage Site the decision maker shall first make the following findings:

1. The subdivision shall be tentatively approved such that it will be compatible with the aesthetic character of a township gateway area or a valley gateway area.
2. The subdivision will not erode the sense of separation between the separate cities and townships of the valley by introducing development significantly visible from public viewing areas in traditional rural/agricultural buffer areas between communities.

- ~~3. The subdivision will not result in parcels that are significantly smaller than zoned minimum lot size requirements.~~
- ~~4. Adequate fire protection can be provided to the parcel by the County Fire Department (including safe access for fire vehicles and sufficient water quantity and pressure for fire suppression).~~

F G. Summerland Community Plan area.

SECTION 3:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.30.120 (Outdoor Lighting Ordinance) of Chapter 35.30. Standards for All Development and Land Uses, and amend section 35.30.190 (Subdivisions, Lot Size) to read as follows:

35.30.120 – Outdoor Lighting

C. Santa Ynez Valley Community Plan area.

1. **General.** The regulations contained in this Subsection shall be known and referred to as the “Outdoor Lighting Regulations for the Santa Ynez Valley Community Plan Area”.
2. **Purpose and intent.** The purpose of this article is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security and productivity. The County of Santa Barbara recognizes that the unique development patterns and environment of the Santa Ynez Valley make it an ideal area for astronomical observation and enjoyment of the nighttime sky. The County, through the provisions contained herein, intends to preserve and protect the nighttime environment of the Santa Ynez Valley by regulating unnecessary and excessive outdoor lighting.
3. **Definitions.** For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this Section. 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 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 but are not limited to outdoor lighting for:

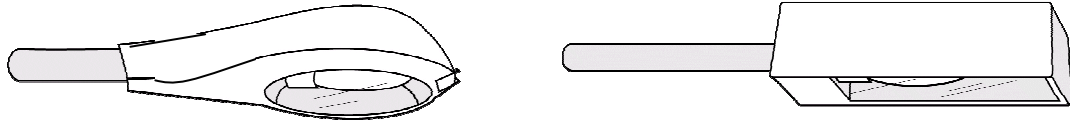
1. Buildings and structures
2. Recreational facilities
3. Parking lots
4. Landscape lighting
5. Other Signs
6. Street Lighting
7. Walkway lighting

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, skateboard ramps 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 plan and effectively obscure the visibility of a lamp.

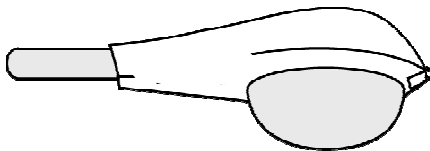
Fully Shielded Fixtures



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.



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;
2. Is otherwise satisfactory and complies with the intent of this article.

5. Prohibited Lights.

- a) All illuminated advertising signs off premises shall be off between 11:00 p.m. and sunrise, except that on-premises signs may be illuminated while the business is open to the public.
- b) All outside illumination that is not fully shielded of any building and/or surrounding landscape, public or private, for aesthetic and decorative purposes is prohibited between 9:00 p.m. and sunrise.
- c) No outdoor recreational facility with lights that are not fully shielded shall be illuminated between 9:00 p.m. and sunrise except to complete a specific organized recreational event, in progress and under illumination in conformance with this ordinance at 9:00 p.m. Shielded lights are not subject to a time restriction.
- d) Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.

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

- a) All outdoor lighting fixtures existing and legally installed prior to the effective date of this ordinance are exempt from the shielding requirements of this ordinance. Existing lighting fixtures shall be subject to the requirements of this ordinance. Existing lighting fixtures shall be otherwise subject to the requirements of Section 5 requiring lights that are not fully shielded to be turned off at 9:00 p.m. Shielded lights are not subject to a turn-off time.
- b) Fossil fuel light.
- c) Traffic control signs 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) Navigation lights (i.e. airports, heliports, radio/television towers).
- h) Seasonal decorations with individual lights in place no longer than 60 days.
- i) Lighting for special events as provided by Subsection C.9 (temporary exemption).
- j) Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.
- k) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.
- l) 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.
- m) 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 lighting 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) All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this Subsection.
- c) Light trespass and glare shall be reduced to the maximum extent feasible through directional lighting methods.
- d) Externally illuminated signs, advertising displays and building identification shall use top mounted light fixtures which shine downward and are fully shielded.
- e) Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Planning and Development Department.
- f) Illumination from recreational facility light fixtures shall be shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.

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

- a) Plans showing the locations of outdoor lighting fixtures
- b) Description of the outdoor lighting fixtures including, but not limited to manufacturers catalog cuts and drawings. Description and drawings should include lamp or bulb type, wattage, beam angle, and shielding.

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

9. Temporary Exemption

- a) The Planning and Development Department may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, if P&D finds the following:
 - 1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;
 - 2. The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible; and
 - 3. The proposed lighting will comply with the general intent of this article.
- b) The application for a temporary exemption shall include the following information:

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

35.30.190 – Subdivisions, Lot Size.

A. Findings for subdivision approval in the Coastal Zone. Approval of a subdivision in the Coastal Zone shall require that the review authority first make the following findings, in addition to all findings required by County Code Chapter 21 (Subdivision Regulations).

1. The subdivider has demonstrated that adequate water is available to serve the newly created lots except for lots to be designated a “Not a Building Site” on the Final Map or Parcel Map; and
2. For a proposed subdivision of agricultural land designated as AG-1 or AG-II, the long-term agricultural productivity of the land will not be diminished by the proposed division.

B. Findings for subdivision approval on a parcel designated with the Santa Ynez Valley Community Plan Heritage Sites Overlay. Approval of a subdivision on a parcel designated with the Heritage Sites Overlay shall require that the review authority first make the following findings, in addition to all findings required by County Code Chapter 21 (Subdivision Regulations).

1. The subdivision shall be tentatively approved such that it will be compatible with the aesthetic character of a township gateway area or a valley gateway area.
2. The subdivision will not erode the sense of separation between the separate cities and townships of the Valley by introducing development significantly visible from public viewing areas in traditional rural/agricultural buffer areas between communities.
3. The subdivision will not result in parcels that are significantly smaller than zoned minimum lot size requirements.
4. Adequate fire protection can be provided to the parcel by the County Fire Department (including safe access for fire vehicles and sufficient water quantity and pressure for fire suppression.

SECTION 4:

Except as amended by this Ordinance, Chapter 35.2, 35.3, and 35.8 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

DANIEL BLOUGH, Chair

County Planning Commission, County of Santa Barbara

ATTEST:

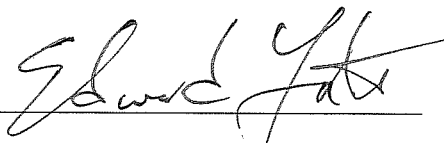
APPROVED AS TO FORM:

DIANNE BLACK

Secretary of the Commission

DENNIS MARSHALL

County Counsel

By 
Deputy County Counsel