



PLANNING & DEVELOPMENT DEPARTMENT
OFFICE OF LONG RANGE PLANNING

TRANSMITTAL MEMO

DATE: October 29, 2008
TO: SunPAC Members
FROM: Derek Johnson, Deputy Director
Shaunn Mendrin, Senior Planner
SUBJECT: SunPAC Meeting #15

The items noted below have been included or referenced in preparation of the November 5, 2008 meeting.

1. **Meeting Agenda.** The meeting agenda for the November 5, 2008 meeting has been provided for your review. For further explanation, please see discussion below. (Attachment 1 - Pages 3-6)
2. **Meeting Minutes.** Action Minutes from the October 8, 2008 meeting are included for you review and approval. (Attachment 2 - Pages 7-10)
3. **Story Poles.** The Draft Story Pole Guidelines for the County of Santa Barbara with Office of Long Range Planning edits. (Attachment 3 - Pages 11-14)
4. **Chapter 4, Building Scale and Form.** Additional analysis based on the discussion from the October 8, 2008 SunPAC meeting, relating to Chapter 4, Building Scale and Form. (Attachment 4 - Pages 15-24)
 - a. **Summerland Zoning Map.** Provided for reference. Attachment 4.a - Pages 25-28)
 - b. **LUDC, Accessory Structures.** Section 35.42.020 of the Land Use Development Code has been provided for reference. (Attachment 4.b - Pages 29-34)
 - c. **LUDC, Residential Second Units.** Section 35.42.230 of the Land Use Development Code has been provided for reference. (Attachment 4.c - Pages 35-44)

You may also download the SunPAC materials on the following webpage if you have difficulties accessing the files attached in the email:

<http://longrange.sbcountyplanning.org/planareas/summerland/summerland.php>

MEETING AGENDA FOR NOVEMBER 5, 2008**Agenda Item 1**

Pledge of Allegiance and Roll Call

Agenda Item 2

Public Comment period – This item is set aside to allow public testimony on items not on today's agenda. The time allocated to each speaker will be set at the discretion of the Chair.

Agenda Item 3

Meeting Minutes – Meeting Minutes - Review and approval of the October 8, 2008 meeting minutes.

Agenda Item 4

Story Poles –The County has developed Draft Story Pole Guidelines, which are pending vetting through the BARs and Planning Commission. The Draft Story Pole Guidelines provide a starting point, which may need additional refinement and clarification. Additional comments regarding standards and responsibility. Staff has included edits, based on other jurisdictions and work experience. The requirement of installation will be specific to the planning area or BAR and folded into the applicable design guidelines. Please review Attachment 3, and be prepared to provide comments regarding the standards and responsibility and potential thresholds that automatically trigger installation. All comment will be forwarded to the Process Improvement Oversight Committee and Development Review.

Agenda Item 5

The discussion will continue with Chapter 4 – Building Scale and Form. This chapter addresses the shape the scale and form of a structure through the application of Floor Area Ratio, Building Height and Building Form. Floor Area Ratio and Building Height are established numbers that influence the building envelope. Building Form addresses the apparent mass of a structure through the application of neighborhood scale, architectural mass, second story additions, solar access, and articulation. Staff requested direction from the SunPAC at the October 8, 2008 meeting. The information requested by the SunPAC has been included in Attachment 4.

Adjourn

Next meeting: SunPAC Community Plan Update Meeting #16
Topic: Continued Review of the Draft Residential Design Guidelines
Wednesday, December 10, 2008, 6:00 PM
Board of Supervisors Conference Room, 4th Floor

CC: Jeremy Tittle, Executive Assistant, 1st District Office
John McInnes, Director, Office Long of Range Planning

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Notice of Public Meeting

Summerland Planning Advisory Committee (SunPAC) Meeting #15

Date: Wednesday, November 5, 2008

Time: 6:00 PM

Location: Board of Supervisors Conference Room
123 East Anapamu Street, 4th Floor, Santa Barbara

Attendees: SunPAC Members, County Staff and Public Participants

Purpose/Discussion: Review of the Draft Residential Design Guidelines

Material to Read: Draft Summerland Residential Design Guidelines
1992 Board of Architectural Review Design Guidelines for Summerland

Material to Bring: SunPAC Meeting Materials

Agenda Item	Discussion Topic
CALL TO ORDER	
# 1	Pledge of Allegiance and Roll Call
# 2	Public Comment Period: <i>The Public Comment period is set aside to allow public testimony on items not on today's agenda. The time allocated to each speaker will be set at the discretion of the Chair.</i>
# 3	Meeting Minutes from October 8, 2008
# 4	Story Pole Requirements
# 5	Continued Review of Draft Residential Design Guidelines
Adjourn	Next Meeting: SunPAC Meeting #16 Topic: Chapter 4, Building Scale and Form Wednesday, December 10, 2008 6:00 PM Board of Supervisors Conference Room 123 Anapamu Street, 4 th Floor, Santa Barbara

Questions or comments about the Community Plan Update may be directed to Derek Johnson at 805-568-2072 or djohnson@co.santa-barbara.ca.us and further information may be obtained on the following web site: <http://longrange.sbcountyplanning.org/planareas/summerland/summerland.php>

Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item of a regular meeting of the Planning Advisory Committee that are distributed to a majority of all of the members of the Planning Advisory Committee less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Office of Long Range Planning 30 E. Figueroa Street, Santa Barbara, CA, and also on the County's website at <http://longrange.sbcountyplanning.org/>

Attendance and participation by the public is invited and encouraged. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Support Staff (805) 568-2000. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable arrangements.

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SUMMERLAND Planning Advisory Committee (SunPAC)

October 8, 2008 Meeting – Minutes

1. **Meeting Called to Order:** By Chair **Donaldson** at 6:05 pm.
2. **SunPAC Committee Members Present:** Robert (Robin) Donaldson, David (Tom) Evans, Betty Franklin, Paul Franz, David Hill, Andy Neumann, Suzanne Perkins, and Wickson (Reeve) Woolpert.

Members, Jennifer Fairbanks Mary Holzhauer and Nancy Kimsey were absent.

Staff Present: Office of Long Range Planning: Derek Johnson, Deputy Director, and Shaunn Mendrin, Senior Planner.
3. **Welcome:** Chair **Donaldson** and Staff Member Derek **Johnson** welcomed participants, and provided opening comments.
4. **Public Comment:** None.
5. **Meeting Minutes:** SunPAC Member **Franklin** made a motion to approve the SunPAC Meeting Minutes from April 30, 2008. SunPAC Member **Evans** seconded. All were in favor. Motion carried 4-0-3, members Jennifer Fairbanks Mary Holzhauer and Nancy Kimsey were absent and members Robert (Robin) Donaldson, Paul Franz and Andy Neumann abstained.
6. Staff Member **Mendrin** led a PowerPoint presentation to provide an overview of Chapter 4, Building Scale and Form of the Draft Residential Design Guidelines. The presentation focused on Floor Area Ratio and Height and staff requested direction from the SunPAC regarding information needed for the next meeting. The SunPAC requested the following: 1) Additional permit information on Single-Family Residences, RSUs, Accessory Structures; 2) Information regarding lot sizes and configurations for the Urban area would be helpful for the discussion; 3) Verification of current practice and application of garages as accessory structures; 4) Draft language for limitations on Accessory structures and RSU; 5) Draft language for floor area exclusions; and 6) Residential permit examples as case studies for FAR and Height.
7. **Adjournment:** Member **Perkins** moved to adjourn the meeting. SunPAC Member **Hill** seconded the motion. All were in favor. Motion carried 7-0, members Jennifer Fairbanks Mary Holzhauer and Nancy Kimsey were absent. Meeting adjourned at 8:45 pm.

Next Meeting: Wednesday, November 5, 2008, 6:00pm
123 East Anapamu Street, Santa Barbara
Board of Supervisors Hearing Room, 4th Floor

Topic: Continued Review of the Draft Residential Design Guidelines

Minutes Approved:

Robert (Robin) Donaldson, Chair

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Draft Story Pole Guidelines

Purpose

Story poles are a tool to assist decision-makers, staff, and the public in the review of development projects. They assist in making findings regarding appropriate mass, bulk and scale, neighborhood compatibility, and/or minimization of impacts to important public scenic views. Therefore, the accuracy of story poles is important [to fully understand the proposed project](#). However, compliance with approved plans, rather than story poles, is the standard for compliance with County regulations.

When Required

Story Poles are most commonly requested, on a case by case basis, by the Board of Architectural Review.

Standards

1. Story Pole Plan – A story pole plan shall be reviewed by County staff ~~-(and the BAR chair where appropriate)~~ in coordination with the applicant prior to installation of story poles. The plan shall include the following:
 - a. Placement of story poles: Sufficient to show the mass, bulk, height and scale of the structures. The story poles do not have to and should not depict all the articulations of the building. Major building corners, [significant elements](#), length of façade within a specific view shed, and/or ridgelines should be shown. It may be necessary to stake more than just the four corners of a structure if significant spans are involved. Outline the building footprint with stakes [and construction netting or other visible element](#). ~~-, string line, or chalk/paint lines~~. Changes proposed in grade, with finished height and elevations, should be shown by color coding the stakes/poles.
 - b. Materials proposed to be used for story poles. Story poles ~~should~~ [shall](#) be made of 2x lumber ~~(PVC piping is acceptable in some instances) or other sturdy material~~ and [12” wide snow or construction netting](#). ~~In addition, they~~ should be braced for safety purposes. ~~PVC piping is not acceptable~~. The [orange construction/snow fencing connections](#) ~~should clearly used to~~ depict [the roofline and ridgelines](#), ~~plate lines, or other horizontal elements should be composed of bright construction netting, tape or similar material~~. Installed story poles, site key, and associated flagging and/or netting shall be of materials and method of installation to withstand reasonably foreseeable weather or other site factors (i.e. grazing) for the required duration of display.
 - c. Legend: For large or complex projects [\(at the discretion of the BAR\)](#), a story pole plan and legend [\(11” x 17” black and white\)](#) will be posted on the project site and the County’s website to inform viewers about the project.
 - d. Proposed date of installation: The plan is to include the date the story poles are proposed to be installed, as well as the length of time the story poles will remain on site.
2. Story Pole Installation – The story poles shall be installed according to the story pole plan, and:

- a. Certification: The Story pole installation shall be certified by the licensed professional (surveyor, or engineer, ~~architect, landscape architect, or contractor~~) who prepared the story pole plan and/or installed the story poles. The certification shall be submitted to staff and photo documentation after installation of the story poles and the applicant must request a site inspection by the project planner. ~~, but before review by the Board of Architectural Review or other review body.~~
- b. Timeframe for installation: Story poles shall be installed at least ten (10)~~three~~ days prior to the BAR meeting.
- c. Story poles shall remain in place for a minimum of seven days after the BAR meeting.
- d. If story poles are damaged, replacement may be required as directed by the BAR.

~~Staff Responsibility~~ Staff Responsibility

- 1. Notification of Planning Commission or Zoning Administrator if story poles are installed for a project on which they are the decision maker.
- 2. ~~Photodocumentation of the installed story poles~~ Site inspection of installed story poles.

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CHAPTER 4 – BUILDING SCALE AND FORM

BACKGROUND

At the October 8, 2008 SunPAC meeting staff requested further direction from the SunPAC regarding the main topic areas included in Chapter 4, Building Scale and Form. The SunPAC requested the following information:

1. Additional permit information on Single-Family Residences, RSUs, Accessory Structures;
2. Information regarding lot sizes and configurations for the Urban area would be helpful for the discussion;
3. Verification of current practice and application of garages as accessory structures;
4. Draft language for limitations on Accessory structures and RSUs;
5. Draft language for floor area exclusions; and
6. Residential permit examples as case studies for FAR and Height

The following discussion will provide information and draft language to address the items noted above. Items three and six will be presented at the November 5, 2008 meeting.

PERMIT INFORMATION

Data for planning permits issued since 2002 within the Summerland Community Plan area. Planning permit information has been sorted based on zoning, Urban/Rural and permit type (single-family, RSU or accessory Structure) in the following tables. Permits which were the result of a code enforcement case have been excluded.

Table 1					
Urban					
Permit Issued Between 2002-2008					
	<i>10-R-1</i>	<i>10-R-2</i>	<i>7-R-1</i>	<i>1-E-1</i>	<i>Total</i>
Single-Family Dwellings	3	1	0	1	5
Residential Second Units	0	0	0	0	0
Accessory Structures	0	2	2	2	6
Total	3	3	2	3	11

Table 2						
Rural						
Permit Issued Between 2002-2008						
	<i>RR-5</i>	<i>20-R-1</i>	<i>3-E-1</i>	<i>AG-1-10</i>	<i>AG-1-20</i>	<i>Total</i>
Single-Family Dwellings	3	0	1	1	4	9
Residential Second Units	0	0	1	1	0	2
Accessory Structures	4	0	2	3	4	13
Total	7	0	4	5	8	24

The permit information indicates that there have been approximately 11 permits approved for new single-family dwellings, 2 permits for residential second units and 15 permits for various accessory structures. Generally, planning permit activity for the Urban area has been slightly less than the Rural area. The zoning designations of RR-5 and AG-1-20, Rural, have had the most activity with approximately 7 to 8 total.

LOT SIZE INFORMATION

During the October 8th discussion, the SunPAC indicated concern regarding the amount of development allowed within the areas outside of the commercial corridor in Summerland. There was additional concern regarding development within the Urban area due to the unique lot configurations. Parcel information specific to residential development in both the Urban and Rural areas has been compiled for reference. Zoning designations such as commercial, industrial, utility, transportation corridor, recreational and design residential designations have been excluded from the analysis. Lot area data has been provided in Tables 3, 4 and 5 and include the average, median, maximum and minimum parcel sizes. Tables 3 and 4 include maximum FAR for single-family residences based on the current FAR requirements. Table 4 includes maximum FAR for duplexes based on the current FAR requirements. In addition, the Summerland zoning map has been included for reference (see Attachment 4.a).

Urban

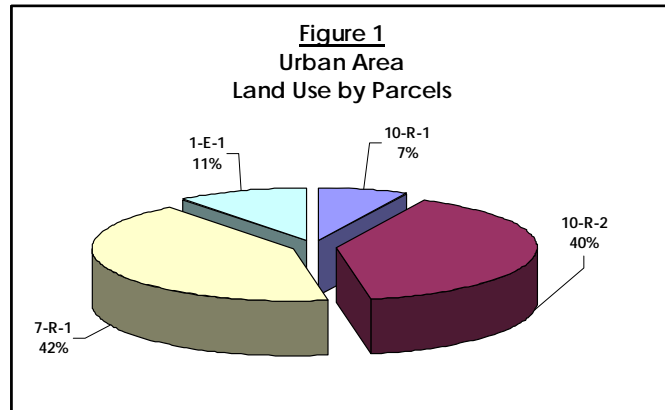
The Urban area generally consists of the original tent lot subdivision and a series of lots along Ortega Ridge Road. The residential zoning designations within the Urban area are Single-Family Residential (10-R-1, 7-R-1, and 1-E-1) and Two-Family Residential (10-R-2), which are contained in Tables 3 and 4. As noted above, the allowable FAR has been calculated for each based on the current FAR requirements.

Table 3						
Urban Residential Zoning Designations						
10-R-1	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	0.34	15,020	N/A ¹	8,000	3,251	3,251
Median	0.25	10,890	0.26	3,100	2,831	2,831
Max	1.56	67,954	N/A ¹	8,000	5,898	5,898
Min	0.05	2,178	0.5	950	1,089	950
10-R-2	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	0.18	7,841	0.3	2,268	2,352	2,268
Median	0.15	6,534	0.32	2,070	2,091	2,070
Max	1.00	43,560	N/A ¹	8,000	4,678	4,678
Min	0.03	1,307	0.5	950	653	653
7-R-1	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	0.20	8,759	0.28	2,538	2,452	2,452
Median	0.17	7,405	0.3	2,268	2,222	2,222
Max	0.63	27,443	N/A ¹	8,000	3,872	3,872
Min	0.01	436	0.5	950	218	218
1-E-1	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	1.13	49,038	N/A ¹	8,000	4,952	4,925
Median	1.01	44,213	N/A ¹	8,000	4,711	4,711
Max	2.36	102,802	N/A ¹	8,000	7,640	7,640
Min	0.35	15,246	N/A ¹	8,000	3,262	3,262
1. The maximum allowable square footage (sf) for lots over 12,000 sf shall be established as a base of 2,500 plus 5% of the lot area new with a maximum allowable size of 8,000 sf.						

The information provided in Table 3 indicates that the average lot size within the Urban area for the primary zoning areas, 7-R-1 and 10-R-2, would result in a single-family residence with a maximum floor area of approximately 2,200 and 2,400 square feet respectively. Table 4, below indicates the maximum floor area for an average size parcel in the 10-R-2 area would allow up to 2,268 square feet. Other zoning designations within the Urban area are generally outside the original tent lot subdivision and comprised of larger lots and thus larger homes. Figures 1-2 illustrates the composition of parcels in the Urban area by zoning designation and parcel size.

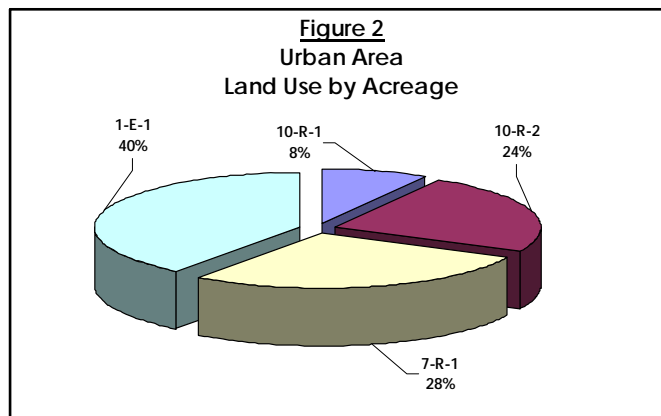
Table 4						
Urban Two-Family Residential						
10-R-2	Lot Size		Two-Family Residence			
	Acres	Square Feet	FAR	Max Allowed	Calculation	Total Allowed
Average	0.18	7,841	0.27	3,600	2,117	2,268
Median	0.15	6,534	0.27	3,600	1,764	2,070
Max	1.00	43,560	0.27	3,600	11,761	3,600
Min	0.03	1,307	0.27	3,600	353	653

Figure 1 illustrates the residential land use composition by parcel, which indicates that the main designations are Single-Family Residential (7-R-1) at 42% and Two-Family Residential (10-R-2) at 40%. The average parcel size for these two main land use designations is approximately 8,759 square feet for 7-R-1 and approximately 7,841 square feet for 10-R-2. The remaining residential land use designations account for the remaining 18% (1-E-1 at 11% and 10-R-1 at 7%).



The allowable floor area for a single-family residence located on an average sized lot in 7-R-1 would be approximately 2,452 square feet and 2,268 for a single-family residence in the 10-R-2 (see Table 3). The allowable floor area for a two-family dwelling located on an average sized lot in 10-R-2 would also be 2,268 square feet (see Table 4).

Figure 2 illustrates the parcel acreage for residential land use within the Urban area. This figure indicates that Single-Family land uses comprise approximately 75% land area. Figure 2 also illustrates the lot size requirements of each zoning designation. Interestingly, the Two-Family Residential area represents approximately only



25% of the total area, which is in contrast to the Figure 1, where it represents approximately 40% of the residentially designated parcels within the Urban area, which is partially due to the unique lot sizes found within the Urban area.

Rural

The rural area is generally comprised of Single-Family and Agricultural land use designations. This area is located to the north, west and east of the original tent lot area and is characterized by large lot subdivisions and agricultural land. Land use designations in the Rural area are either Residential Ranchette or Single-Family (RR-5, 20-R-1 and 3-E-1) or Agricultural (AG-1-10 and AG-1-20). Similar to Table 3, the allowable FAR has been calculated based on the current FAR requirements in Table 5 below.

Table 5						
Rural Residential Zoning Designations						
RR-5	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	4.83	210,440	N/A ¹	8,000	13,022	8,000
Median	5.02	218,453	N/A ¹	8,000	13,423	8,000
Max	9.12	397,267	N/A ¹	8,000	22,363	8,000
Min	1.00	43,560	N/A ¹	8,000	4,678	4,678
20-R-1	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	3.00	130,680	N/A ¹	8,000	9,034	8,000
Median	3.00	130,680	N/A ¹	8,000	9,034	8,000
Max	4.00	174,240	N/A ¹	8,000	11,212	8,000
Min	2.00	87,120	N/A ¹	8,000	6,856	6,856
3-E-1	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	6.09	265,208	N/A ¹	8,000	15,760	8,000
Median	3.61	157,252	N/A ¹	8,000	10,363	8,000
Max	17.25	751,410	N/A ¹	8,000	40,071	8,000
Min	3.00	130,680	N/A ¹	8,000	9,034	8,000
AG-1-10	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	8.30	361,596	N/A ¹	8,000	20,580	8,000
Median	10.02	436,471	N/A ¹	8,000	24,324	8,000
Max	18.92	824,155	N/A ¹	8,000	43,708	8,000
Min	1.00	43,560	N/A ¹	8,000	4,678	4,678
AG-1-20	Lot Size		Single-Family Residence			
	<i>Acres</i>	<i>Square Feet</i>	<i>FAR</i>	<i>Max Allowed</i>	<i>Calculation</i>	<i>Total Allowed</i>
Average	17.38	756,879	N/A ¹	8,000	40,344	8,000
Median	18.48	804,989	N/A ¹	8,000	42,749	8,000
Max	72.88	3,174,653	N/A ¹	8,000	161,233	8,000
Min	0.63	27,443	N/A ¹	8,000	3,872	3,872

1. The maximum allowable square footage (sf) for lots over 12,000 sf shall be established as a base of 2,500 plus 5% of the lot area new with a maximum allowable size of 8,000 sf.

The information provided in Table 5 indicates that many of the parcels within the Rural area exceed 12,000 square feet in area and that the existing floor area ratio requirements limit the maximum floor area to 8,000 square feet. Figures 3-4 illustrate the composition of parcels in the Rural area by zoning designation and parcel size.

Figure 3 illustrates the land use composition of the Rural area, which is generally Agricultural and Residential Ranchettes. The Agricultural area accounts for 25% of the parcels in the Rural area (AG-1-10 at 12% and AG-1-20 at 13%), while Residential Ranchettes account for 64% of the parcels in the area. The average size for lots designated Residential Ranchettes is approximately 4.8 acres (210,400 square feet) and the average for lots within the 10 acre Agricultural area (AG-1-10) is 8.3 acres and those parcels within 20 acre Agricultural area (AG-1-20) is 17.3 acres.

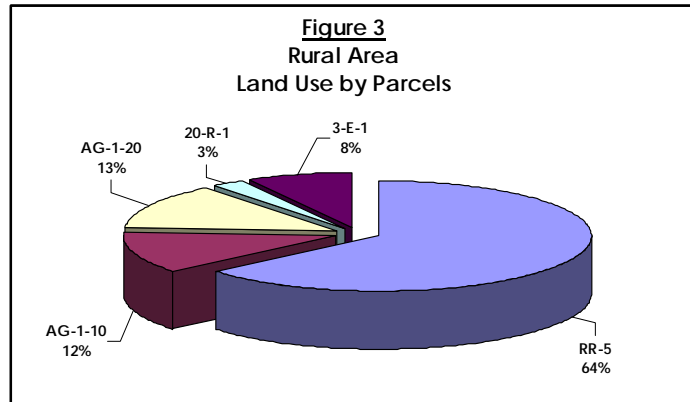
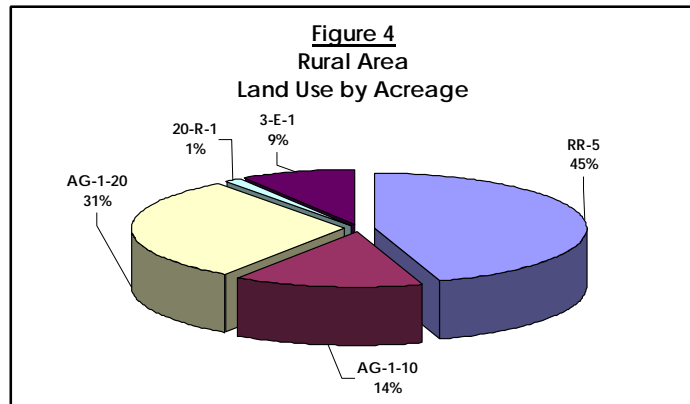


Figure 4 illustrates the composition of land use designation by acreage. As expected, the Agricultural areas comprise a greater amount of the acreage in the Rural area, compared to the number of designated lots, due to minimum parcel size requirements.



DRAFT LANGUAGE: ACCESSORY STRUCTURES

The SunPAC requested the development of language to limit the cumulative floor area for accessory structures for smaller lots. Section 35.42.020 of the Land Use Development Code regulates Accessory Structures and Uses (see Attachment 4.b). The allowable floor area for an accessory structure is limited by Section 35.42.020(B)(6), Gross Floor Area, which establishes the maximum allowed. The Gross Floor Area limitations states the following:

6. **Gross floor area and footprint limitations.** Accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area 800 square feet if located on a lot of one acre or less. See also Section 35.42.230 (Residential Second Units).

As noted above, the SunPAC directed staff to propose language that would limit the cumulative floor area for accessory structures to 500 square feet for lot of 10,000 square feet or less. The following language modification is proposed for the Gross floor area and footprint limitations for consideration by the SunPAC:

6. **Gross floor area and footprint limitations.**
 - a. Located within the Summerland Community Plan area. The gross floor area of accessory structures, excluding barns, garages and stables, shall be limited as follows. See also Section 35.42.230 (Residential Second Units).

<u>Lot area (gross)</u>	<u>Maximum floor area (gross)</u>
10,000 square feet or less	500 square feet (cumulative)
<u>Lot area (gross)</u>	<u>Maximum floor area (gross)</u>
Greater than 10,000 square feet and less than or equal to one acre	800 square feet (per structure)

- b. Located outside the Summerland Community Plan area.** Accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area of 800 square feet if located on a lot of one gross acre or less. See also Section 35.42.230 (Residential Second Units).

DRAFT LANGUAGE: RESIDENTIAL SECOND UNITS

The SunPAC also requested the development of language to further regulate attached Residential Second Units (RSUs) on lots less than 10,000 square feet and to tie these to the maximum floor area allowed on a property. Section 35.42.230 of the Land Use Development Code regulates Residential Second Units (see Attachment 4.c). The size of an RSU is regulated by Section 35.42.230. allowable floor area for an accessory structure is limited by Section 35.42.020(F)(2), which states the following:

- 2. Maximum gross floor area.** The maximum residential second unit gross floor area shall not exceed the standards for the specified net lot area shown in Table 4-9 (Maximum Gross Floor Area) below:

Table 4-9 - Maximum Gross Floor Area

Type of Residential Second Unit	Lot Area	Maximum 2nd Unit Size
Attached	6,000 -9,999 square feet	600 square feet
Attached and Detached	10,000 - 19,999 square feet	800 square feet
Attached and Detached	20,000 square feet or more	1,200 square feet

New language has been drafted to address the SunPAC comments while meeting the minimum requirements per State Law. Since the main issue is the allowable square footage, the following changes are proposed to the LUDC (~~strikethrough~~ is proposed language to be removed and underlined is new language):

- 2. Maximum gross floor area.** The maximum residential second unit gross floor area shall not exceed the standards for the specified net lot area shown in Table 4-9 (Maximum Gross Floor Area) below:

Table 4-9 - Maximum Gross Floor Area

Type of Residential Second Unit	Lot Area	Maximum 2nd Unit Size
Attached	6,000 -9,999 square feet	600 square feet ¹
Attached and Detached	10,000 - 19,999 square feet	800 square feet
Attached and Detached	20,000 square feet or more	1,200 square feet
<u>1. Summerland Planning Area – Attached RSUs located on lots less than 10,000 square feet and will be allowed up to 300 square feet of floor area free, square footage above 300 square feet up to the 600 maximum will be deducted from the maximum floor area allowed for the primary dwelling on a lot.</u>		

In addition to the language noted above, a new topic area for Residential Second Units will be added to the Draft Residential Design Guidelines on page 4-4 and it will be cross referenced in the Chapter 8 - Residential Second Units on page 8-1. The proposed language would be as follows:

Page 4-4 Language

The following language would be added after the Two Family Dwelling topic.

Residential Second Units: Attached RSUs located on lots less than 10,000 square and will be allowed up to 300 square feet of floor area free, square footage above 300 square feet up to the 600 maximum will be deducted from the maximum floor area allowed for the residence on a lot. All Residential Second Units must comply with the requirements set forth in Section 35.42.230 of the LUDC and should generally comply with the guidelines established in Chapter 8 of this document.

Page 8-1 Language

The following language would be added after the second paragraph on page 8-1.

NOTE: Attached RSUs located on lots less than 10,000 square and will be allowed up to 300 square feet of floor area free, square footage above 300 square feet up to the 600 maximum will be deducted from the maximum floor area allowed for a residence on a lot.

DRAFT LANGUAGE: FLOOR AREA EXCLUSIONS

The SunPAC also requested that staff to draft additional language for exclusions from the allowable floor area calculation. Staff has proposed language for your consideration for incorporation in the Draft Residential Design Guidelines and the LUDC (~~strikethrough~~ is proposed language to be removed and underlined is new language).

Definitions

The basement definition located on page 4-5 of the Draft Residential Design Guidelines is proposed to be replaced with the following language:

Basement, Residential – Residential Basements shall be defined as any usable or unused under floor space where the finished floor directly above is ~~not more than 4' 0" ft.~~ or less above the existing grade (as defined by the latest addition of the Uniform Building Code).

Basement, True – A true basement is defined as any usable or unused under floor space where the finished floor directly above does not exceed 18" above the existing grade at any point.

Floor Area Ratio Exclusions

The existing garage exclusion has been provided in addition to new language based on comments at the October 8, 2008 meeting. The following language would be added to page 4-2 of the Draft Residential Design Guidelines:

- **Garages** - For residential lots, up to 500 sq. ft./dwelling unit may be allowed for a two car garage. For larger single family lots (12,000 sq. ft. and above), a 3 car garage may be up to 750 sq. ft. Larger garages may be allowed, however excess square footage will be deducted from the maximum floor area allowed for the primary dwelling on a lot.

NOTE: All garages constructed under this exception shall remain permanently as garages, i.e., they shall not be converted to living, storage, commercial or other space.

- **Basements, Residential** – 40% of the floor area for a basement area meeting the Summerland definition for Residential Basement. The total area excluded shall not exceed 50% of the maximum allowable floor area for the primary dwelling(s).
- **Basements, True** – A basement meeting the Summerland definition for a True Basement shall be excluded from the maximum floor area calculations.

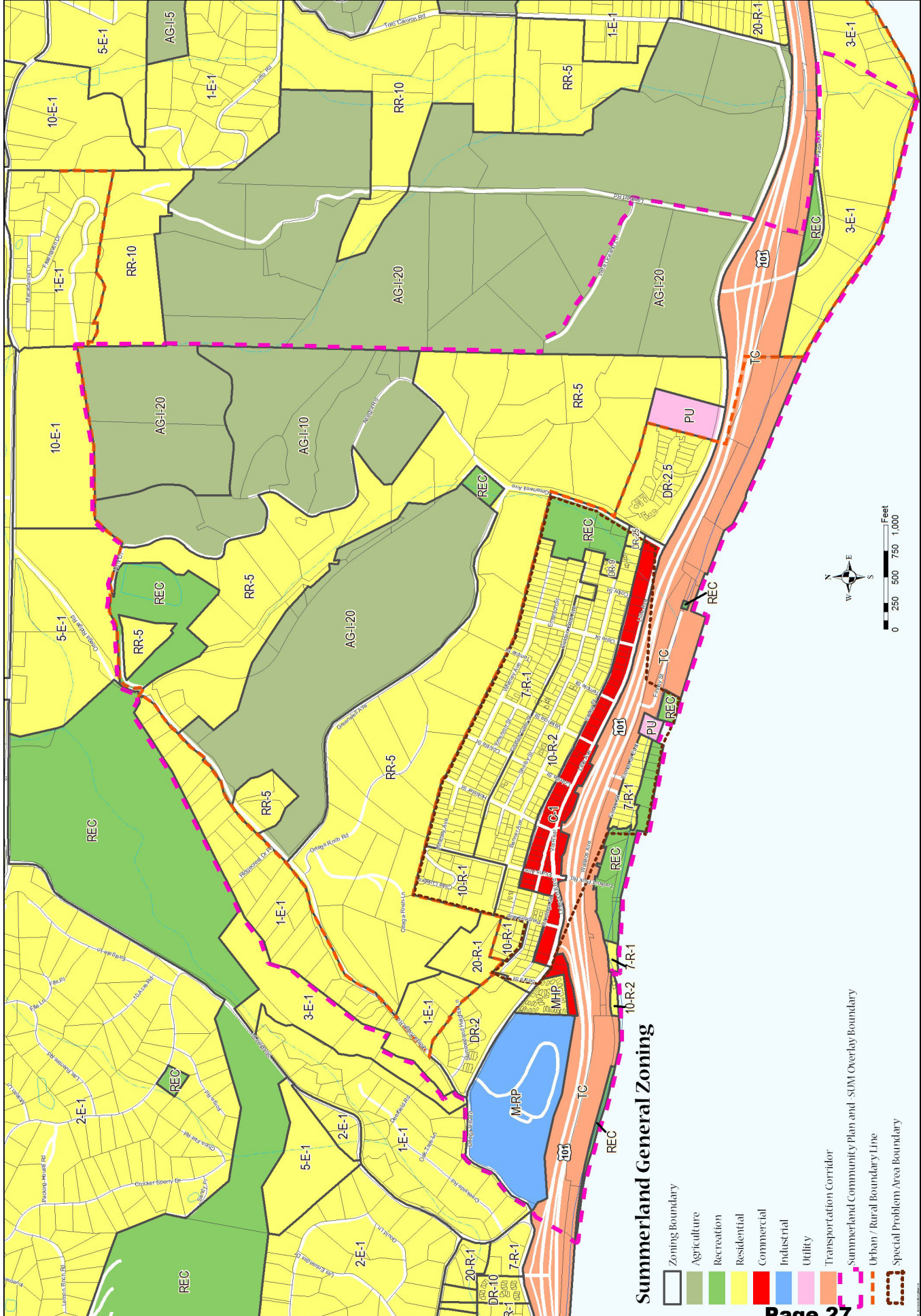
NOTE: Basement should be cut or dug into the site. The use of fill to qualify a portion of the structure is not allowed.

Guidelines

As with the commercial design guidelines, there is concern about the use of excessive fill to qualify a portion of a structure as a basement. The language noted above under basement exclusions may also be added to the guidelines, similar to the Draft Summerland Commercial Design Guidelines. The following guideline may be added to page 4-7 of the Draft Residential Design Guidelines:

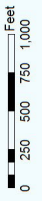
4-4 Basement should be cut or dug into the site. The use of fill to qualify a portion of the structure is not allowed.

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Summerland General Zoning

- Zoning Boundary
- Agriculture
- Recreation
- Residential
- Commercial
- Industrial
- Utility
- Transportation Corridor
- Summerland Community Plan and SUM Overlay Boundary
- Urban / Rural Boundary Line
- Special Problem Area Boundary



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3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in [Article 35.2 \(Zones and Allowable Land Uses\)](#) and [Article 35.3 \(Site Planning and Other Project Standards\)](#). In the event of any conflict between the requirements of this Chapter and those of [Article 35.2](#) or [Article 35.3](#), the requirements of this Chapter shall control. Within the Coastal Zone, conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.

35.42.020 - Accessory Structures and Uses

- A. **Purpose and applicability.** This Section provides standards for accessory structures and uses, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). Accessory structures, including agricultural accessory structures shall comply with the requirements of this Section, except that mobile home site accessory structures within a Mobile Home Park shall instead comply with the requirements of the MHP District in [Section 35.23.080 \(MHP Zone Standards\)](#).

B. **Development standards.**

1. **Sequence of construction.** Accessory structures shall not be constructed on a lot until construction of the principal structure has begun or a principal use has been established and commenced, and an accessory structure shall not be used unless the principal structure on a lot is also being used or a principal use has been established and commenced.
2. **Standards for attached structures.** An accessory structure attached to the principal structure shall comply with the use, setback, and height requirements applicable to the principal structure.
3. **Height restrictions.** Accessory structures shall comply with the height restrictions of the applicable zones except as specified below:
 - a. **Fences and walls.** See [Section 35.30.070 \(Fences and Walls\)](#) for height limits for fences and walls.
 - b. **Guesthouses, artist studios and cabañas.** See [Section 35.42.150 \(Guesthouses, Artist Studios, and Cabañas\)](#) for height limits for guesthouses, artist studios and cabañas.
 - c. **Located in the rear setback.** The height limit for accessory structures located in the rear setback is 12 feet.
 - d. **Residential second units.** See [Section 35.42.230 \(Residential Second Units\)](#) for height limits for residential second units.
 - e. **Telecommunication facilities.** See [Chapter 35.44 \(Telecommunications Facilities\)](#) height limits and exception for commercial and noncommercial telecommunication facilities.
4. **Setback requirements.** Accessory structures, including swimming pools, spas, and appurtenant equipment, shall comply with the front and side setback requirements of the applicable zone unless otherwise specifically allowed in compliance with this Development Code.
 - a. **Location in rear setback.** An accessory structure, other than guesthouses, artist studios and cabañas ([Section 35.42.150](#)), and residential second units ([Section 35.42.230](#)) may be located in the required rear setback provided that:
 - (1) It is not attached to the principal structure.
 - (2) It is located no closer than five feet to the principal structure.
 - (3) It does not exceed 40 percent of the required rear setback.

- (4) It does not exceed a height of 12 feet.
 - (5) If located on a corner lot backing on a key lot, the accessory structure shall be set back from the rear property line by a distance equal to the side setback requirement applicable to the key lot.
 - (6) A swimming pool, spa, and appurtenant equipment shall not be located closer than five feet to any property line.
 - (7) An accessory structure may otherwise be located adjacent to the rear property line provided that all other provisions (e.g., building code or fire code requirements for separation between structures) are complied with.
- b. Corner lot setbacks.** Accessory structures located on a corner lot having a width of less than 100 feet shall not be located closer to the front line of the lot than the principal structure on that lot.
 - c. Swimming pools and spas in setback area.**
 - (1) Location outside of the EX-1 zone.** Swimming pools, spas, and appurtenant equipment shall not be located in the required front or side setback areas and shall not be closer than five feet to any property line.
 - (2) Location within the EX-1 zone.** Swimming pools, spas, and appurtenant equipment may not be located within a required front, side or rear setback; however, the required setbacks may be decreased by 15 feet for the purpose of locating a swimming pool, spa, and appurtenant equipment within this area.
- 5. Kitchen or cooking facilities/amenities prohibited.** Accessory structures shall not contain kitchen or cooking facilities unless the accessory structure is specifically permitted as a dwelling (e.g., agricultural employee dwellings, residential second units). Artist studios, cabañas and guesthouses are not dwellings.
 - 6. Gross floor area and footprint limitations.** Accessory structures, excluding barns, garages and stables, shall not exceed a gross floor area 800 square feet if located on a lot of one acre or less. See also [Section 35.42.230 \(Residential Second Units\)](#).
 - 7. Plumbing devices.**
 - a. Agricultural accessory structures.** Agricultural accessory structures that serve as a primary place of employment or that are used by the public may include a bathroom and wetbar area, provided that a Notice to Property Owner that specifies the allowable uses of the agricultural accessory structure is recorded in the County public records. Wetbars shall be limited to the following features:
 - (1) A counter area with a maximum total length of seven feet.
 - (2) The counter area may include a bar sink.
 - (3) The counter area may include an overhead cupboard area not to exceed seven feet in length.
 - (4) The counter area shall be located against a wall, or if removed from the wall, it shall not create a space between the counter and the wall of more than four feet in depth. The seven foot counter shall be in one unit. The intent of this provision is to avoid creation of a kitchen room.

- (5) Refrigerators are limited to an under-counter unit located within the counter area.
 - (6) No cooking facilities (e.g., ovens including microwave ovens, hot plates) shall be included in the wetbar area.
 - b. Other accessory structures.** Plumbing devices in accessory structures shall be limited to toilets and washbasins, and no bathing facilities or wetbars shall be allowed, unless otherwise specifically allowed by this Development Code.
- 8. Use restrictions.** Accessory structures shall not be used as guesthouses, artist studios, or cabañas, unless specifically permitted for these uses. Except for guesthouses or structures specifically permitted as dwellings, (e.g. agricultural employee dwellings, residential second units) accessory structures shall not be used for overnight accommodations.
- 9. Determination that an accessory structure constitutes a dwelling.**
 - a.** An accessory structure, or portion of a structure, including guesthouses, artist studios and cabañas, may be determined to constitute a dwelling by the Director when it:
 - (1) Is configured or occupied for residential purposes, whether permanent or temporary.
 - (2) Contains elements evidencing separate residential occupancy.
 - b.** Elements to be considered by the Director include:
 - (1) Proximal arrangement and various combinations of
 - (a) Bathing facilities.
 - (b) Closets.
 - (c) Countertops or cupboards.
 - (d) Dishwashers.
 - (e) Exterior entrances.
 - (f) Exterior staircases.
 - (g) Garbage disposals.
 - (h) Interior locking doors.
 - (i) Sleeping lofts.
 - (j) Toilets and sinks or bar sinks.
 - (2) Separate address/mail box designations.
 - (3) Separate balconies, decks, patios or yards.
 - (4) Separate cable lines, phone lines or utility lines.
 - (5) Separate carports, garages or parking areas (covered or uncovered).
 - (6) Other elements at the discretion of the Director.
 - c.** Issuance of a building permit or other approval shall not, of itself, establish that a structure, or portion of a structure, is not a dwelling unit.

- d. The Director's determination that the accessory structure or portion of structure constitutes a dwelling may be appealed in compliance with [Chapter 35.102 \(Appeals\)](#). If the Director's determination is upheld on appeal, then the dwelling may be subject to an enforcement action in compliance with [Chapter 35.108 \(Enforcement and Penalties\)](#).

35.42.030 - Agricultural Employee Dwellings

- A. **Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. **Uses allowed with a Minor Conditional Use Permit.** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land that are engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:
 1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and
 2. The applicant provides proof of the full-time employment of the employees. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:
 - a. Employer's income tax return.
 - b. Employee's pay receipts.
 - c. Employer's DE-3 form.
 - d. Employee's W-2 form.
 - e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
 - f. Other option approved by the Director.
- C. **Uses allowed with a Conditional Use Permit.** Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

35.42.040 - Agricultural Processing Facilities

- A. **Purpose and applicability.** This Section establishes standards and procedures for agricultural processing facilities, where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. **Standards.**
 1. Agricultural processing facilities shall be subject to the following standards.
 - a. The facility may be used for the sorting, cleaning, packing, freezing, and storage of horticultural and agricultural products (other than animals) grown on or off the premises preparatory to wholesale or the retail sale and/or shipment in their natural form.
 - b. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands that are located within 25 miles of the boundaries of the County.
 - c. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of the County for local processing, distribution, or sale. In the Coastal Zone, on lands zoned AG-I, these facilities shall be restricted to serving South Coast Agriculture.

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- E. Findings.** The review authority shall approve a Land Use Permit in compliance with Subsection [35.82.110.E](#) (Findings required for approval) or a Conditional Use Permit in compliance with Subsection [35.82.060.E](#) (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.38 \(Sign Standards\)](#)) for a residential agricultural dwelling only if, in addition to these required standard findings, the following findings can also be made:
1. The residential agricultural dwelling is incidental and subordinate to the primary agricultural use of the lot.
 2. The residential agricultural dwelling is compatible with and does not substantially alter the rural, agricultural character of the area.
 3. The residential agricultural dwelling does not adversely affect the onsite or adjacent agricultural operations.
- F. Expiration.** The Residential Agricultural Unit program is to be implemented on a temporary basis limited to nine years. Within nine years of July 6, 1999, the Department shall prepare and present a report to the Commission and Board for their consideration of the effects of the Residential Agricultural Unit program and the public's participation in the program. The Board may consider modification, extension, or repeal of the existing Residential Agricultural Unit program if the report indicates a need to modify or abandon the program. Prior to presenting the report to the Commission, the Agricultural Advisory Committee and the Agriculture Preserve Advisory Committee may review the report and provide their recommendation to the Commission and the Board. If the Board fails to take the necessary action to modify or extend the program, the Residential Agricultural Unit program shall expire nine years from July 6, 1999 (i.e., July 6, 2008) and this [Section 35.42.210 \(Residential Agricultural Units\)](#) shall be of no further force and effect.

35.42.220 - Residential Project Convenience Facilities

- A. Purpose and applicability.** This Section provides standards for residential project convenience facilities where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. DR and PRD zones.** In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:
1. Laundromat.
 2. Meeting rooms.
 3. Accessory uses and structures customarily incidental and subordinate to the residential project.
- C. MHP zones.** In MHP zones accessory uses and structures that are customarily incidental and subordinate to the residential project may be allowed.

35.42.230 - Residential Second Units

- A. Purpose.** This Section establishes procedures and standards for attached and detached residential second units in compliance with California Government Code Section 65852.2 where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The intent is to encourage a more efficient use of specified residential and agricultural zones, where because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of these zones.

- B. Applicability.** Residential second units may be located within AG-I-5, AG-I-10, AG-I-20, EX-1, OT-R, R-1/E-1 and RR zones only.
- C. Allowed density.** In compliance with Government Code Section 65852.2(b)(5) residential second units shall not count toward the allowable density for purposes of determining consistency with the Comprehensive Plan and zone density standards.
- D. Application requirements.** A permit application for a residential second unit shall include the following information in addition to that information required within [Chapter 35.80 \(Permit Application Filing and Processing\)](#):
1. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 2. Documentation verifying the principal dwelling is owner-occupied.
 3. The proposed method of water supply and sewage disposal for the residential second unit.
- E. Exclusion areas.** 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 except as provided in Subsections E.1 or E.2 below, based upon the finding 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 designated Special Problem Area, an attached residential second unit may be approved within the Coastal Zone and an attached or detached residential second unit may be approved within the Inland area, if the Director can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
 - b. The owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable in compliance with the following criteria:
 - (1) The lot was legally created, it is not a fraction lot and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a nonresidential purpose including well sites, reservoirs, and roads.
 - (2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by:
 - (a) A letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that the service is in compliance with the company's Domestic Water Supply Permit, or
 - (b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.
 - (3) The lot:
 - (a) Is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district, or
 - (b) Can be served by an onsite wastewater treatment system that meets all septic

system requirements of the Public Health Department.

- (4) The lot:
 - (a) Is currently served by an existing private road that meets applicable fire agency roadway standards that connects to a public road or right-of-way easement, or
 - (b) Can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - (5) The Special Problems Committee has reviewed the lot and has determined that site conditions would not cause the Committee to recommend denial of the site for residential purposes.
2. The Director may approve a residential second unit within a designated Special Problem Area where all of the development standards in Subsection G. (Development Standards) below can be met and the project has been reviewed by the Special Problems Committee.

F. Lot area and floor area requirements.

1. Minimum net lot area.

- a. **Attached residential second units.** The minimum net lot area on which an attached residential second unit may be located shall be 7,000 square feet; however, for lots legally created before June 2, 1966 this minimum net lot area shall be 6,000 square feet.
- b. **Detached residential second units.** The minimum net lot area on which a detached residential second unit may be located shall be 10,000 square feet.

2. **Maximum gross floor area.** The maximum residential second unit gross floor area shall not exceed the standards for the specified net lot area shown in Table 4-9 (Maximum Gross Floor Area) below:

Table 4-9 - Maximum Gross Floor Area

Type of Residential Second Unit	Lot Area	Maximum 2 nd Unit Size
Attached	6,000 -9,999 square feet	600 square feet
Attached and Detached	10,000 - 19,999 square feet	800 square feet
Attached and Detached	20,000 square feet or more	1,200 square feet

3. **Gross floor area for residential second units.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the second unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.
4. **One residential second unit per lot.** A lot may contain only one attached residential second unit or one detached residential second unit.

G. Development standards.

1. **Standards applicable to all residential second units.** A permit for a residential second unit shall not be approved unless it complies with the following development standards.
- a. The lot shall contain an existing one-family dwelling at the time an application for an attached or detached residential second unit is submitted, or the application for the second unit shall be submitted in conjunction with the application for the principal dwelling.

- b. The owner of the lot shall reside on said lot, in either the principal dwelling or in the residential second unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.
- c. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall be:
 - (1) If attached, converted into a portion of the principal dwelling; or,
 - (2) If detached, removed or converted into a legal accessory structure.
- d. The gross floor area of a residential second unit shall be a minimum of 300 square feet.
- e. The total gross floor area of all covered structures, including a residential second unit, shall not exceed 40 percent of the gross lot area of the lot on which the residential second unit is located.
- f. A residential second unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be nonconforming as to use, or farm employee housing (unless the residential second unit is proposed to be located on a lot zoned AG-I located in the Inland area). If a residential second unit has been approved on a lot, a guesthouse or similar structure shall not subsequently be approved unless the residential second unit is removed.
- g. The residential second unit shall contain its own kitchen and bathroom facilities.
- h. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone.
- i. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the residential second unit or b) each studio unit. The additional parking shall be provided as specified in the base zone and in [Chapter 35.36 \(Parking and Loading Standards\)](#). The review authority may grant modifications to allow the additional parking required by this provision to be located within the setbacks, excluding the front setback, based on a finding that, because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met. The number of additional parking spaces required for residential second units shall not be reduced.
- j. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or mutual water company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium for new connections, or the existing service is by a water system and if the property is not located in an overdrafted water basin, the residential second unit may be served by a water system subject to review and approval by the Public Health Department or State as applicable.
- k. A residential second unit proposed to be served by an onsite wastewater treatment system

shall not be allowed in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department. If determined to be particularly favorable, the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix D, *Development Standards for Residential Second Dwelling Units On Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems*, shall be satisfied. Appendix D is hereby incorporated by reference.

- l. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to a moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a onsite wastewater treatment system, the residential second unit shall be served by an onsite wastewater treatment system subject to Public Health Department review and approval.
- m. Upon approval of a residential second unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and in compliance with Article 35.2 (Zones and Allowable Land Uses).
- n. The residential second unit shall not be sold or financed separately from the principal dwelling.
- o. Where there are conflicts between the standards in this Section, the standards in [Section 35.42.020 \(Accessory Structures and Uses\)](#), and the standards in the specific zone regulations (Article 35.2 Zones and allowable Land Uses), the provisions of this Section shall prevail.
- p. In compliance with ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees before approval of the Coastal Development Permit or Land Use Permit or Zoning Clearance, or prior to issuance of a Zoning Clearance, or before final building permit inspection, as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
- q. Within the Coastal Zone the following development standards shall also apply to residential second units.
 - (1) In residential zones, all development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zone overlay map is determined by the County not to be located on the particular lot during application review, this development standard shall not apply.
 - (2) All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35.28.090 (Environmentally Sensitive Habitat Area Overlay).
 - (3) Residential second units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

- (4) Residential second units shall not obstruct public access to and along the coast, or public trails.
- (5) Residential second units shall be consistent with the provisions of the applicable zone and the policies and development standards of the certified Local Coastal Program.

2. Standards applicable only to attached residential second units. In addition to the development standards listed in Subsection G.1 (Standards applicable to all residential second units) above, an attached residential second unit shall comply with all of the additional development standards below.

- a. An attached residential second unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area. The floor area of the garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area of the principal dwelling as part of the same permit to allow the attached residential second unit. In the event that an application proposes an addition to the living area of the existing principal dwelling and an attached residential second unit concurrently, the proposed additional living floor area for the principal dwelling shall be used to calculate existing living area of the principal dwelling.
- b. An attached residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the residential second unit. An exception to this height limit may be granted when the portion of a proposed residential second unit that would exceed this height limit is wholly contained within an existing structure.
- c. An attached residential second unit shall have a separate entrance. Any entrance to an attached residential second unit shall be structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the residential second unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached residential second unit on the lot.

3. Standards applicable only to detached residential second units. In addition to the development standards listed in Subsection G.1 (Standards applicable to all residential second units) above, a detached residential second unit shall comply with all of the additional development standards below.

- a. A detached residential second unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached residential second unit connected to a detached accessory structure may be permitted provided:
 - (1) The height of the residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the residential second unit, and
 - (2) The height of the entire structure does not exceed 25 feet.
- b. A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zone shall not be located closer to the principal abutting street than the principal dwelling unless (a) the detached residential second unit is to be located in

- a permitted structure existing on July 1, 2003 and no exterior alterations are proposed, or (b) other provisions of this Development Code, such as setback requirements, prohibit construction of the second unit further from the principal abutting street than the principal dwelling.
- c. A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zone shall reflect the exterior appearance and architectural style of the principal dwelling and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features unless the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed.
 - d. For detached residential second units in agricultural zones the review authority may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.
 - e. The following development standards shall also apply to detached residential second units located within the Inland area;
 - (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - (a) Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - (b) Including buffers from sensitive areas.
 - (c) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.
 - (2) In residential zones, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.
- H. Public notice.** Notice of approved or conditionally approved Coastal Development Permits or Land Use Permits for attached residential second units in all zones and detached residential second units in residential zones, shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- I. Findings of approval (detached residential second units in agricultural zones).** In addition to the findings under [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the review authority shall make all of the following findings:
1. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
 2. Provisions for onsite parking are adequate for existing and proposed uses.

3. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
 4. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
 5. The proposal complies with the standards in Subsection G. (Development standards) above.
- J. Appeals.** An action of the review authority to approve, conditionally approve, or deny any application for a residential second units shall be final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- K. Revocation.** Revocation of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a Residential Second Unit shall be in compliance with [Section 35.84.060 \(Revocations\)](#).

35.42.240 - Rural Recreation

- A. Purpose and applicability.** This Section provides standards for rural recreation, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Allowable uses and permit requirement.**
1. **Coastal Zone.** Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, hostels, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the development complies with the standards included in Subsection C below.
 2. **Inland area.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the development complies with the standards included in Subsection C. (Standards) below.
- C. Standards**
1. Is in character with the rural setting.
 2. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
 3. Does not include commercial facilities open to the general public who are not using the recreational facility.
 4. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
 5. Groups assembled for periods of not to exceed 21 days.
 6. When retreats are located within Rural Areas designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.

35.42.250 - Small Animal Hospitals

Where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#), small animal hospitals shall be designed,