

Sec. 35-317. Development Plans.**Sec. 35-317.1. Purpose and Intent.**

The purpose of a Development Plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale, or location of the development, require comprehensive review.

Sec. 35-317.2. Applicability.

1. No permit shall be issued for any development, including grading, for any property subject to the provisions of this Sec. 35-317. until a Preliminary and/or Final Development Plan has been approved as provided below. *(Amended by Ord. 4087, 12/15/92)*
2. The following shall be under the jurisdiction of the Director and shall be processed as set forth herein:
 - a) In the Highway Commercial (CH), Service Commercial (SC), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), Mixed Use (MU), Old Town Districts (OT), Shopping Center Commercial (SC), Professional and Institutional (PI), zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 10,000 square feet for the entire site when combined with all outdoor areas designated for sales or storage and existing buildings and structures on the site. *(Amended by Ord. 4004, 2/21/92; Ord. 4063, 8/18/92; Ord. 4145, 2/8/94; Ord. 4264, 6/24/96; and Ord. 4319, 6/23/98)*
 - b) Where a project was legally developed without an effective Development Plan and is considered nonconforming due to the absence of a Development plan, a Final Development Plan may be processed for such "as built" development. *(Added by Ord. 4319, 6/23/98)*
 - c) Communication facilities as specified in Sec. 35-292h. *(Added by Ord. 4264, 6/24/97)*
3. The following shall be under the jurisdiction of the Zoning Administrator and shall be processed as set forth herein:
 - a) In the Neighborhood Commercial (CN), Visitor Serving Commercial (CV), and Public Utilities (PU), zoning districts, Preliminary and Final Development Plans for buildings and structures which do not exceed a total of 15,000 square feet in gross floor area for the entire site, when combined with all outdoor areas designated for

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sales or storage and existing buildings and structures on the site. *(Added by Ord. 4063, 8/18/92; Amended by Ord. 4264, 6/24/97; and Ord. 4319, 6/23/98)*

- b) In the Highway Commercial (CH), Service Commercial (C-S), Limited Commercial (C-1), Retail Commercial (C-2), General Commercial (C-3), Industrial Research Park (M-RP), Light Industry (M-1), General Industry (M-2), Service Industrial Goleta (M-S-GOL), Mixed Use (MU), Old Town Districts (OT), Shopping Center Commercial (SC), Professional and Institutional (PI), zoning districts, Preliminary and Final Development Plans for buildings and structures and outdoor areas designated for sales or storage that exceed 10,000 square but do not exceed 15,000 square feet. *(Added by Ord. 4319, 6/23/98)*
- c) Communication facilities as specified in Sec. 35-292h. *(Added by Ord. 4264, 6/24/97)*
4. All Development Plans outside the jurisdiction of the Director or the Zoning Administrator shall be within the jurisdiction of the Planning Commission. *(Added by Ord. 4319, 6/23/98)*
5. An applicant may file a Preliminary and then a Final Development Plan, or just a Final Development Plan. When only a Final Development Plan is filed, it shall be processed in the same manner as a Preliminary Development Plan.
6. No portion of any property not included within the boundaries of the Development Plan shall be entitled to any development permits.

Sec. 35-317.3. Contents of Preliminary Development Plan.

1. Unless the Planning Commission expressly waives the requirement, an application for a rezone to any district which is subject to the regulations of this section shall include a Preliminary Development Plan as part of the application. Upon Board of Supervisors' approval of the Rezoning and the Preliminary Development Plan, the Preliminary Development Plan may be made a part of the adopting ordinance amendment placing the new zone district regulations on the property.
2. As many copies of a Preliminary Development Plan as may be required shall be submitted to the Planning and Development Department. Unless otherwise specifically waived by the Planning and Development Director, the information submitted as part of the Preliminary Development Plan shall include the following:
 - a. A site plan of the proposed development drawn in graphic scale showing *(Amended by Ord. 4087, 12/15/92):*

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- 1) Gross and net acreage and boundaries of the property (*Amended by Ord. 4319, 6/23/98*)
 - 2) Location of areas of geologic, seismic, flood, and other hazards
 - 3) Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies, and significant existing vegetation
 - 4) Location of all existing and proposed structures, their use, and square footage of each structure
 - 5) All interior circulation patterns including existing and proposed streets, walkways, bikeways, and connector roads and other major highways
 - 6) Location of all utilities (*Amended by Ord. 4319, 6/23/98*)
 - 7) Location and use of all buildings and structures within 50 feet of the boundaries of the property
 - 8) Location and amount of land devoted to public purposes, open space, landscaping, and recreation
 - 9) Location and number of parking spaces
 - 10) All easements.
- b. A topographic map that meets Planning and Development's requirements including existing natural and proposed contours. (*Amended by Ord. 4319, 6/23/98*)
- c. Proposed drainage system.
- d. Proposed (schematic) building elevations, including building height(s) and other physical dimensions drawn in graphic scale (*Amended by Ord. 4087, 12/15/92*).
- e. Statistical information including the following:
- 1) Number and type of dwelling units in each building, i.e., single family dwelling, condominium, apartment, etc., and number of bedrooms in each unit.
 - 2) Square footage and percentage of total net land area of the property devoted to landscaping and open space.
 - 3) Total number of parking spaces and parking ratio - parking spaces per building square foot, number of employees or dwelling units, whichever is applicable.
 - 4) Total square footage of gross floor area of all stories, and percent of total net land area of the site covered by buildings.

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- 5) Estimated number of potential residents in each residential category.
- 6) Number of employees and number of proposed new employees, if applicable.
- 7) Average slopes. *(Amended by Ord. 4319, 6/23/98)*
- 8) History of water use on the property measured in acre feet per year for the preceding ten (10) years, when available. *(Added by Ord. 4087, 12/15/92)*
- f. Aerial photograph of the property and surrounding parcels, when available. *(Added by Ord. 4087, 12/15/92)*
- g. Demonstration of a validly created parcel and graphic configuration of such legal parcels. *(Added by Ord. 4087, 12/15/92)*
- h. A statement of intent with respect to the establishment of utilities, services, and facilities including water, sewage disposal, fire protection, police protection, schools, and transportation, i.e., access, proximity to public transit, or provision of bike lanes, etc.
- i. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and to prevent danger to life and property.
- j. If development is to occur in stages, the sequence and timing of construction of the various phases.
- k. Proposed public access or recreational areas, trails, or streets to be dedicated to the County.
- l. Any other data requested by the Planning and Development Department.

Sec. 35-317.4. Processing of Preliminary Development Plan.

1. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this Article or the adopted Comprehensive Plan must be accompanied by an application to make the project consistent. The Planning and Development Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
2. Upon receipt of the Preliminary Development Plan, the Planning and Development Department shall process the plan through environmental review.
3. The Planning and Development Department shall refer the Preliminary Development Plan to the Subdivision/Development Review Committee and the Board of Architectural Review

for review and recommendation to the Planning Commission, Zoning Administrator, or the Director. *(Amended by Ord. 4004, 2/21/92; Ord. 4068, 8/18/92; Ord. 4228, 6/18/96)*

4. If the Preliminary Development Plan is under the jurisdiction of the Director, a public hearing shall not be required. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-326 (Noticing). The Director may approve, conditionally approve, approve with modifications of development standards, or deny the plan. The Director's decision shall be final, subject to appeal to the Planning Commission as provided in Section 35-327. (Appeals). *(Amended by Ord. 4004, 2/21/92; Amended by Ord. 4087, 12/15/92; and Ord. 4319, 6/23/98)*
5. The Planning Commission or Zoning Administrator shall consider Preliminary Development Plans within their jurisdictions at a noticed public hearing and approve, conditionally approve, approve with modification of development standards, or deny the plan. The Planning Commission or Zoning Administrator action shall be final, subject to appeal to the Board of Supervisors as provided in Sec. 35-327. (Appeals). *(Amended by Ord. 4004, 2/21/92) (Amended by Ord. 4063, 8/18/92; Amended by Ord. 4087, 12/15/92)*
6. If the Preliminary Development Plan is in conjunction with a Rezone application, the Planning Commission shall recommend approval, conditional approval, approval with modification of the development standards, or denial to the Board of Supervisors. *(Amended by Ord. 4087, 12/15/92)*
7. If a Revised Preliminary Development Plan is required as provided in Sec. 35-317.10., it shall be processed in the same manner as the original plan. When approved by the Board of Supervisors, Planning Commission, Zoning Administrator, or Director, such revised plan shall automatically supersede any previously approved plan. *(Amended by Ord. 4004, 2/21/92; Ord. 4063, 8/18/92; Ord. 4087, 12/15/92)*

Sec. 35-317.5. Contents of Final Development Plan.

1. As many copies of the Final Development Plan as may be required shall be submitted to the Planning and Development Department. Unless specifically waived by the Director, the information submitted shall consist of the following:
 - a. All information and maps required under Sec. 35-317.3., Preliminary Development Plan submittal.
 - b. Floor plans of each building indicating ground floor area and total gross and net floor area of each building.

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- c. Proposed landscaping indicating type of irrigation proposed, existing and proposed trees, shrubs, and ground cover, and delineating species, size, and placement. *(Amended by Ord. 4087, 12/15/92)*
- d. Description of proposed Homeowners Association (if applicable), indicating major elements to be included in the CCR's, deeds, and restrictions and methods of open space maintenance. *(Amended by Ord. 4087, 12/15/92).*
- e. The proposed method of fulfilling all conditions of approval required on the Preliminary Development Plan.
- f. Any other data requested by the Planning and Development Department.

Sec. 35-317.6. Processing of Final Development Plan. *(Amended by Ord. 3614, 10/17/86)*

- 1. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this Article or the adopted Comprehensive Plan must be accompanied by an application to make the project consistent. The Planning and Development Department may refuse to accept for processing any application the Director finds to be inconsistent with the Comprehensive Plan.
- 2. Upon receipt of the Final Development Plan, the Planning and Development Department shall process the plan through Environmental Review and refer the plan to the Subdivision Committee, unless there is no change from the preliminary Development Plan.
- 3. The Final Development Plan shall be referred to the Board of Architectural Review for final review and recommendations, if necessary. As built Development Plans that include exterior alterations shall be subject to the provisions of Section 35-329., Board of Architectural Review. *(Amended by Ord. 4319, 6/23/98)*
- 4. When the Board of Supervisors, Planning Commission, Zoning Administrator, or Director has approved a Preliminary Development Plan, the Director shall review the Final Development Plan to determine that the plan is in substantial conformity with the Preliminary Development Plan pursuant to the provisions set forth in this Section. The Director shall approve, conditionally approve, or deny the Final Development Plan, without a public hearing. Notice shall be given ten (10) days prior to the Director's decision pursuant to Section 35-326. The Director's action shall be final subject to appeal to the Planning Commission as provided in Sec. 35-327. (Appeals). *(Amended by Ord. 4004, 2/21/92; Ord. 4063, 8/18/92; and Ord. 4319, 6/23/98)*

5. If the Final Development Plan has any substantial changes from the Preliminary Development Plan approved by the Board of Supervisors, Planning Commission, or Zoning Administrator, other than those required by conditions set in the Preliminary Development Plan, the Director shall refer the Final Development Plan to the hearing body with jurisdiction (Planning Commissioner or Zoning Administrator) for approval. *(Amended by Ord. 4004, 2/21/92; 4063, 8/18/92)*
6. When there is no Preliminary Development Plan, the Final Development Plan shall be processed according to Sec. 35-317.4. *(Amended by Ord. 4004, 2/21/92)*

Sec. 35-317.7. Findings Required for Approval.

1. A Preliminary or Final Development Plan shall be approved only if all of the following findings can be made:
 - a. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
 - b. That adverse impacts are mitigated to the maximum extent feasible.
 - c. That streets and highways are adequate and properly designed.
 - d. That there are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, and police protection to serve the project.
 - e. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding areas.
 - f. That the project is in conformance with 1) the Comprehensive Plan and 2) the applicable provisions of this Article and/or the project falls with the limited exception allowed under Section 35-306.7. *(Amended by Ord. 4228, 6/18/96)*
 - g. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.
 - h. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.
2. A Final or Revised Final Development Plan shall only be approved if the following additional finding is made:

Such plan is in substantial conformity with any approved Preliminary or Revised Preliminary Development Plan except when the Planning Commission, Zoning Administrator, or Director considers a Final Development Plan for which there is no

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previously approved Preliminary Development Plan. In this case, the Planning Commission, Zoning Administrator, or Director may consider the Final Development Plan as both a Preliminary and Final Development Plan. *(Amended by Ord. 4004, 2/21/92; Ord. 4087, 12/15/92)*

Sec. 35-317.8. Conditions, Restrictions, and Modifications.

1. At the time the Preliminary or Final Development Plan is approved, or subsequent amendments or revisions are approved, the Director, Zoning Administrator, Planning Commission, or Board of Supervisors may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district when the Director, Zoning Administrator, Planning Commission, or Board of Supervisors finds that such modifications are justified. *(Amended by Ord. 4004, 2/21/92; and Ord. 4319, 6/23/98)*
2. As a condition of approval of any Preliminary or Final Development Plan, the Director, Zoning Administrator, Planning Commission, or Board of Supervisors may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources or scenic quality of the area, to preserve or enhance the public peace, health, safety, and welfare, or to implement the purposes of this Article. *(Amended by Ord. 4004, 2/21/92; Ord. 4063, 8/18/92)*
3. The Director, Zoning Administrator, Planning Commission, or Board of Supervisors may require as a condition of approval of any Development Plan, the preservation of trees existing on the property. *(Amended by Ord. 4004, 2/21/92; Ord. 4063, 8/18/92)*

Sec. 35-317.9. Time Limit.

1. A Preliminary Development Plan shall expire two (2) years after its approval, except that, for good cause shown, it may be extended for one year from the date the extension was granted by the Director, Zoning Administrator, or Planning Commission. The Preliminary Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Development Plan, whichever ever comes first. A written request to extend the life of the Preliminary Development Plan must be received prior to the expiration of such Plan. *(Amended by Ord. 4228, 6/18/96)*
2. Except as provided in Sec. 35-317.9.3., below, Final Development Plans shall expire five (5) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant.

The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan. *(Amended by Ord. 4063, 8/18/92; Ord. 4228, 6/18/96)*

3. In the designated Rural Area, for parcels with a base Zone District of AG-II and no designated Comprehensive Plan or Zoning overlays, Final Development Plans for Agricultural Development shall expire ten (10) years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-making body with jurisdiction for the development project may, upon good cause shown, grant a time extension of one year from the date the extension was granted for the Final Development Plan. The Development Plan shall expire one year from the date the extension was granted or two years from the expiration date of the originally approved Final Development Plan, whichever comes first. A written request to extend the life of the Final Development Plan must be received prior to the expiration of such Plan. *(Added by Ord. 4063, 8/18/92; Amended by Ord. 4228, 6/18/96)*

Sec. 35-317.10. Substantial Conformity, Amendments and Revisions *(Added by Ord. 4087, 12/15/92)*

Changes to an approved Preliminary or Final Development Plan, shall be processed as follows:

1. Substantial Conformity:

The Director may approve a minor change to a Final Development Plan, if the Director determines that the change is in substantial conformity with the Final Development Plan, pursuant to the County's Substantial Conformity Guidelines. No public noticing or public hearing shall be required for Substantial Conformity Determinations. The action of the Director shall be final and not appealable. Prior to the issuance of a Land Use Permit, pursuant to the Substantial Conformity Determination, an additional finding must be made that the Land Use Permit substantially conforms to the previous Final Development Plan. *(Amended by Ord. 4228, 6/18/96)*

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2. Amendments:

Where a change to a Final Development Plan is not in substantial conformity with the approved plan, the Director may approve or conditionally approve an application to alter, add, replace, relocate or otherwise amend a Final Development Plan, providing:

- a. The area of the proposed new development that is under review was 1) analyzed for potential environmental impacts and policy consistency as a part of the approved permit and an addendum to the previous environmental document could be prepared, or 2) was not analyzed in a previous environmental document and policy consistency was not considered as part of the approved permit, but the proposed new development could be found to be exempt from CEQA. *(Amended by Ord. 4319, 6/23/98)*
- b. All of the following additional findings can be made:
 - 1) In addition to the findings required for approval of a Final Development Plan set forth in this Sec. 35-317.7., the proposed Amendment is consistent with the specific findings of approval, including CEQA findings, if applicable, that were adopted when the Final Development Plan was previously approved. *(Amended by Ord. 4319, 6/23/98)*
 - 2) The environmental impacts related to the proposed change are determined to be substantially the same or less than those identified for the previously approved project.
- c. A public hearing shall not be required for Amendments to a Final Development Plan. However, notice shall be given at least ten (10) days prior to the date of the Director's decision as provided in Sec. 35-326. (Noticing). The Director may approve, conditionally approve, or deny the Amendment. *(Amended by Ord. 4299, 3/24/98)*

3. Revisions:

- a. A Revised Development Plan shall be required for changes to a Preliminary, or for changes to a Final Development Plan where the findings set forth in Sec. 35-317.10. for Amendments cannot be made and substantial conformity cannot be determined.
- b. A Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan except as provided under Section 35-317.10.3.c below. *(Amended by Ord. 4155, 5/3/94)*

- c. The Zoning Administrator may approve a Revision to a Development Plan approved pursuant to the Housing Element of the County of Santa Barbara as adopted in 1989 to reflect the 1993 Housing Element in place of affordable housing conditions imposed pursuant to the 1989 Housing Element. A Revision shall only be approved if the findings in Section 35-317.7 can be made. The Revision shall be confined to housing requirements only. The provisions of this Section shall expire on January 1, 1996. In order for a Revision to be approved under this provision, the Zoning Administrator shall find that the project has met all of criteria listed below at the time of application submittal:
1. The project is for residential use.
 2. The project has permit conditions requiring affordable housing based on the previous Housing Element adopted in 1989.
 3.
 - a. The project is located in a Housing Market Area (HMA) where the moderate income need is currently being provided by the unrestricted housing market as identified in the Housing Element Implementation Guidelines and the affordable units have not yet received occupancy clearance or the developer has not yet paid in-lieu fees at the time the revision is requested, depending on the original permit requirements; or,
 - b. The project is located in a HMA where there is a need for all levels of affordable housing as identified in the Housing Element Implementation Guidelines and the developer has not yet recorded an affordable housing agreement with the County or has not yet paid in-lieu fees at the time the revision is requested, depending on what the original permit conditions required.
 4. The project was not approved pursuant to a settlement agreement with the County.
 5. The developer is not requesting any incentives as part of the Revision request.

(Added by Ord. 4155, 5/3/94)

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