

Sec. 35-315. Conditional Use Permits.

Sec. 35-315.1. Purpose and Intent.

The purpose of this Sec. 35-315. is to provide for uses that are essential or desirable but cannot be readily classified as principally permitted uses in individual districts by reason of their special character, uniqueness of size or scope, or possible effect on public facilities or surrounding uses. The intent of this section is to provide for discretionary review of these uses.

Sec. 35-315.2. Applicability.

The provisions of this Sec. 35-315. shall apply to those uses listed below under Sec. 35-315.4. and .5. and those uses listed in the "Uses Permitted with a Conditional Use Permit" section in various zone districts.

Sec. 35-315.3. Jurisdiction. (Amended by Ord. 4228, 6/18/96)

1. The Zoning Administrator shall have jurisdiction of all Minor Conditional Use Permits and extensions of time thereof and the Planning Commission shall have jurisdiction of all Major Conditional Use Permits and extensions of time thereof.

Sec. 35-315.4. Minor Conditional Use Permits.

(Amended by Ord. 3439, 04/16/84 & 3452, 07/16/84 & 3477, 12/17/84)

The following uses may be permitted in any zone district in which they are not otherwise permitted with a Minor Conditional Use Permit, provided the Zoning Administrator can make the findings set forth in Section 35-315.8. (Findings).

1. Buildings, structures, facilities and uses of a public works, utilities or private service nature, except airports, including, but not limited to, the following: *(Amended by Ord. 3800, 1/9/90; Ord. 4085, 12/15/92)*
 - a. Unless otherwise provided for in specific districts' regulations, reservoirs that are 50,000 square feet or more of total development.
 - b. Water production, storage, and treatment systems and distribution lines, including but not limited to, shared water systems, community water systems, water treatment plants, water package plants and appurtenant fixtures and structures associated with water wells and water storage tanks, proposed to serve more than one domestic, commercial, industrial or recreational connection in the RR, R-1/E-1, R-2, and EX-1 districts and more than five connections in all other zone districts.
 - c. Commercial water trucking facilities involving extraction and storage operations in the RR, R-1/E-1, R-2, EX-1, DR, PRD, SLP, MHP and MHS zoning districts.

- d. Septic tanks or dry wells on all lots in designated Special Problems Areas for sewage disposal.
- e. Experimental waste disposal systems such as, mound or evapo-transpiration systems.
- f. Electrical substations subject to the performance standards and district requirements of the Public works, Utilities and Private Services Facilities District, Sec. 35-238, excluding major electric transmission substations.
- g. Private flood control projects of more than 21,000 square feet of total development area. *(Amended by Ord. No. 3800, 01/09/90; Ord. 4085, 12/15/92)*

(Amended by Ord. No. 3800, 01/09/90)

- 2. Fences and walls over six (6) feet in height when located within the front yard setback or when located within the side yard setback and closer than twenty (20) feet to the right-of-way of any street. Within areas of the side yard setback that are more than twenty (20) feet from the right-of-way of any street or within the rear yard setback, fences and walls of more than eight (8) feet and gateposts of more than ten (10) feet in height. *(Amended by Ord. 4002, 2/21/92)*
- 3. Communication facilities, as specified in and governed by Section 35-292h. *(Amended by Ord. 3800, 01/09/90; Ord. 4264, 6/24/97)*
- 4. Sale of Agricultural products grown on the premises, subject to the additional requirements set forth in Section 35-315.12.
- 5. Special care homes, except as provided in Section 35-292a.4.. *(Amended by Ord. 3801, 01/09/90; Ord. 4379, 11/16/99)*
- 6. Wind turbines and wind energy systems subject to the provisions of Section 35-300. (Energy Facilities).
- 7. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article. *(Amended by Ord. 4002, 2/21/92)*
- 8. Child care facilities, as defined in Section 35-209, Definitions. *(Added by Ord. 4319, 6/23/98)*
- 9. Uses, buildings, and structures accessory and customarily incidental to the above uses.

Sec. 35-315.5. Major Conditional Use Permits.

The following uses may be permitted provided the Planning Commission can make the findings set forth in Section 35-315.8. (Findings).

- 1. Except in AG-I, AG-II, Residential Ranchette, Mountainous-GOL and Resource Management Zone Districts, the following uses may be permitted in any zone district in

which they are not otherwise permitted, with a Major Conditional Use Permit: *(Amended by Ord. 4111, 7/20/93)*

- a. Clinic.
 - b. Conference center.
 - c. Hospital, sanitarium, nursing home, and rest homes. *(Amended by Ord. 3801, 01/09/90)*
 - d. Library.
 - e. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Section 35-315.12. *(Amended by Ord. No.3941, 9/10/91)*
 - f. Music recording studio. *(Amended by Ord. 3941, 9/10/91)*
 - g. Uses, buildings, and structures accessory and customarily incidental to the above uses.
2. The following uses may be permitted in any zone district in which they are not otherwise permitted, with a Major Conditional Use Permit:
- a. Airport, public, or airstrip, private and temporary.
 - b. Cemetery.
 - c. Church.
 - d. Club facilities.
 - e. Country club.
 - f. Educational facilities not including child care facilities. *(Amended by Ord. 4319, 6/23/98)*
 - g. Charitable and philanthropic institutions (except when human beings are housed under restraint).
 - h. Extraction and processing of natural, carbonated or mineral waters for sale, including, but not limited to storage, bottling, and shipping operations. *(Amended by Ord. 4085, 12/15/92)*
 - i. Fairgrounds.
 - j. Golf courses and driving ranges.
 - k. Helistops.
 - l. Hostel.
 - m. Communication facilities, as specified in and goverend by Sec. 35-292h. *(Amended by Ord. 4264, 6/24/97).*
 - n. Mausoleum.

- o. Mining, extraction, and quarrying of natural resources, except gas, oil, and other hydrocarbons, subject to the provisions of Sec. 35-320. (Reclamation Plans).
- p. Monastery.
- q. Mortuary accessory to a cemetery and subject to the provisions of Sec. 35-315.12.
- r. Museum.
- s. Polo fields and playing fields for outdoor sports.
- t. Rodeo.
- u. Stable, commercial (including riding and boarding).
- v. Wind farms, subject to the provisions of Section 35-300. (Energy Facilities).
- w. Buildings, structures, and uses of a public utility nature, including electrical transmission lines within the jurisdiction of the County. *(Amended by Ord. 3800, 01/09/90; Ord. 4264, 6/24/96)*
- x. Other public works, utilities and private service facilities, including, but not limited to, the following:
 - (1). Wastewater treatment plants, wastewater package plants, reclamation facilities, or other similar facilities, proposed to serve up to 199 connections. *(Amended by Ord. 4085, 12/15/92)*
- y. Certified Farmer's Market incidental to a conference center, club facility, fairground, church, school, or governmental or philanthropic institution. *(Added by Ord. 4087, 12/15/92)*
- z. Uses, buildings, and structures accessory and customarily incidental to the above uses. *(Amended by Ord. 4085, 12/15/92)*

Sec. 35-315.6. Contents of Application.

- 1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35-317.) as are applicable to the request.
- 2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to obtaining a Conditional Use Permit. *(Amended by Ord. 4319, 6/23/98)*

Sec. 35-315.7. Processing.

- 1. Upon receipt of the required copies of the Conditional Use Permit application, the Planning and Development Department shall process the application through environmental review.

2. The Planning and Development Department shall refer the Conditional Use Permit application to the Subdivision/Development Review Committee for review and recommendation to the Planning Commission or Zoning Administrator. *(Amended by Ord. 4228, 6/18/96)*
3. The Planning Commission or Zoning Administrator shall then consider the requested Conditional Use Permit at a noticed public hearing and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-326. (Noticing).
4. The action of the Planning Commission or Zoning Administrator shall be final subject to appeal to the Board of Supervisors as provided under Sec. 35-327.3. (Appeals).
5. Conditional Use Permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.
6. If a Revised Conditional Use Permit is required as provided in Sec. 35-315.11., it shall be processed in the same manner as the original permit. When approved by the decision-maker, such revised permit shall automatically supersede any previously approved permit.
(Added by Ord. 4299, 3/24/98)

Sec. 35-315.8. Findings Required for Approval.

A Conditional Use Permit application shall only be approved or conditionally approved if all of the following findings are made:

1. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
2. That significant environmental impacts are mitigated to the maximum extent feasible.
3. That streets and highways are adequate and properly designed.
4. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.
6. That the project is in conformance with the applicable provisions and policies of this Article and the Comprehensive Plan.

7. That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

Sec. 35-315.9. Time Limit.

1. Prior to the commencement of the development and/or authorized use permitted by the Conditional Use Permit, a Land Use Permit authorizing such development and/or use shall be obtained. At the time of approval of a Conditional Use Permit, a time limit shall be established within which a Land Use Permit must be obtained. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be eighteen (18) months from the effective date of the Conditional Use Permit. The effective date shall be the date of expiration of the appeal period on the approval of the Conditional Use Permit, or if appealed, the date of action by the Board of Supervisors. The time limit may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration date. If the required time limit in which to obtain the Land Use Permit has expired and no extension has been filed, then the Conditional Use Permit shall be considered null and void. *(Amended by Ord. 4087, 12/15/92)*
2. A Conditional Use Permit shall become null and void and be automatically revoked if the use permitted under the Conditional Use Permit is discontinued for a period of more than one year. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the Planning and Development Department prior to the expiration date.

Sec. 35-315.10. Revocation.

If the decision-maker with jurisdiction over the project determines at a noticed public hearing pursuant to Section 35-326 (Public Hearing Notice) that the permittee is not in compliance with one or more of the conditions of the Conditional Use Permit, the decision-maker with jurisdiction over the project may revoke the Conditional Use Permit, or direct that the permittee apply for an Amendment or Revision, pursuant to Sec. 35-315.11. *(Amended by Ord. 4087, 12/15/92)*

Sec. 35-315.11. Substantial Conformity, Amendments and Revisions.

Changes to an approved Conditional Use Permit shall be processed as follows:

1. Substantial Conformity:

The Director may approve a minor change to an approved Conditional Use Permit, if the Director determines that the change is in substantial conformity with the approved permit, 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 Conditional Use Permit.

(Amended by Ord. 4228, 6/18/96)

2. Amendments:

Where a change to an approved Conditional Use Permit is not in substantial conformity with the approved permit, the Director or in the case of a Revocation hearing, the decision-maker with jurisdiction over the project, may approve or conditionally approve an application to alter, add, replace, relocate, or otherwise amend a Conditional Use Permit, providing:

- a. The area of the parcel(s) that is under review was analyzed for potential environmental impacts and policy consistency under the approved permit.
- b. All of the following additional findings can be made:
 - 1) In addition to the findings required for approval of a Conditional Use Permit set forth in this Sec. 35-315.8., the Amendment is consistent with the specific findings of approval, including CEQA findings, that were adopted when the Conditional Use Permit was previously approved.
 - 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 an approved Conditional Use Permit. However, notice shall be given at least ten (10) days prior to the date of the decision-maker's decision as provided in Sec. 35-326. (Noticing). The decision-maker may approve, conditionally approve, or deny the Amendment. *(Amended by Ord. 4299, 3/24/98)*

3. Revisions:

- a. A Revised Conditional Use Permit shall be required for changes to an approved Conditional Use Permit where the findings set forth in Sec. 35-315.11. for Amendments cannot be made and substantial conformity cannot be determined.
- b. A Revised Conditional Use Permit shall be processed in the same manner as a new Conditional Use Permit.

(Added by Ord. 4087, 12/15/92)

Sec. 35-315.12. Conditions, Restrictions, and Modifications *(Added by Ord. 4228, 6/18/96)*

1. At the time the Conditional Use Permit 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 and consistent with the Comprehensive Plan and the intent of other applicable regulations and guidelines.
2. As a condition of approval of any Conditional Use Permit, or of any subsequent Amendments or Revisions, 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.
3. The Director, Zoning Administrator, Planning Commission, or Board of Supervisors may require as a condition of approval of any Conditional Use Permit, or of any subsequent Amendment or Revision, the preservation of trees existing on the property.

Sec. 35-315.13. Additional Requirements. *(Amended by Ord. 4228, 6/18/96; Ord. 4264, 6/24/97)*

In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below:

1. Mortuaries, Crematories, and Funeral Homes.

Subject to the issuance of a Conditional Use Permit, mortuaries, crematories, and funeral homes may be permitted in the following locations:

- a. Within cemeteries operating under a valid Land Use Permit,
- b. On any parcel of land abutting such a cemetery, or
- c. On property zoned to permit multiple family dwellings where such property abuts upon or is directly across the street from property zoned for commercial or industrial purposes.

In all such locations, the Planning Commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive, and that adequate off-street parking space is provided for funeral procession assembly areas.

2. Handicraft Industries.

A Conditional Use Permit may be issued under the provisions of this Sec. 35-315. for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions, and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed. A Conditional Use Permit for such use may only be issued subject to the provisions of this Sec. 35-315. and to the following conditions and to any further conditions which, in the opinion of the Zoning Administrator are necessary to protect the public peace, health, safety, and general welfare, to maintain property values in the neighborhood, and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection, and neighborhood character:

(Amended by Ord. 4002, 2/21/92)

- a. All manufacturing activities shall be conducted within a completely enclosed building having a total gross floor area of not to exceed 2,500 square feet.
- b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence or wall approved by the Zoning Administrator. *(Amended by Ord. 4002, 2/21/92; Amended by Ord. 4063, 8/18/92)*
- c. No fumes, noxious gases, objectionable odors, heat, glare, or radiation generated by or resulting from such use shall be detectable at any point upon the boundary of the property upon which the use is located.
- d. The use shall create no objectionable noise or vibration.
- e. No smoke or dust shall be created except from the heating of buildings.

3. Drive-through Facilities.

In considering an application for such a Conditional Use Permit, in addition to the findings in Sec. 35-315.8., the permit shall be granted only if the drive-through facility is found to have no greater adverse impact upon air quality than the same use without the drive-through facility.

4. Sale of agricultural products grown on the premises. *(Added by Ord. 3439, 04/16/84)*

- a. This use shall not be permitted in the EX-1 Zoning District.
- b. The premises shall consist of two (2) or more contiguous acres.
- c. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed two hundred (200) square feet of sales and storage area except that if the premises consist of five (5) or more contiguous acres, such building shall not exceed six hundred (600) square feet. The building or structure shall be located no closer than 20 feet to the right-of-way line of any street; this requirement shall apply in lieu of any other setback requirements of the zone district or the sign regulations. Only one (1) stand shall be allowed on the premises.
- d. New structures shall be approved by the County Board of Architectural Review.
- e. A building permit shall be obtained, if required by the Division of Building and Safety.
- f. Signs advertising the sale of agricultural products shall conform to Section 35-16.2 of Article I of Chapter 35 of the Santa Barbara County Code.
- g. A minimum of two (2) permanently maintained onsite parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.
- h. Prior to the issuance of a land use permit, a permit for the sale of agricultural products shall be obtained from the Department of Health Care Services pursuant to Title 17, California Administrative Code Section 13653.

5. Composting Facility. *(Added by Ord. 4118, 9/21/93)*

A Conditional Use Permit may be issued under the provisions of this Sec. 35-315. for a Composting Facility, in an AG-I or AG-II District, that includes the use of off-premise generated feedstock and may include the on-premise commercial sale of the resultant compost products, subject to, at a minimum, the following conditions:

- a. The facility shall at all times be in compliance with the applicable regulations contained in the California Code of Regulations, Title 14, Division 7, as may be amended from time to time.
- b. If a building or structure is required for the sale of such product, the sale shall be conducted either within an existing accessory building or from a single, separate stand not to exceed 600 square feet of sales and storage area.
- c. Signs accessory to the facility shall conform to Article I of Chapter 35 of the Santa Barbara County Code (Sign Ordinance).
- d. A minimum of two permanently maintained on-site parking spaces shall be provided which shall not be located closer than 20 feet to the right-of-way line of any street.
- e. All other permits required by County departments for such a facility, except those permits required by the Department of Public Works, Division of Building and Safety, shall be obtained prior to issuance of zoning clearance which is required prior to commencement of the use of the facility.
- f. Tonnage reports showing the amount of materials used in the composting operation shall be given to the Department of Public Works, Solid Waste Division, and the Department of Environmental Health, on a quarterly basis.

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