

ATTACHMENT K: COUNTY PLANNING COMMISSION RESOLUTION 13-07

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

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO ARTICLE II, THE SANTA BARBARA COUNTY)
COASTAL ZONING ORDINANCE, OF CHAPTER 35,) RESOLUTION NO.: 13 - 07
ZONING, OF THE COUNTY CODE, AMENDING)
DIVISION 2, DEFINITONS, AND DIVISION 7, GENERAL) CASE NO.: 12ORD-00000-00004
REGULATIONS, TO IMPLEMENT NEW REGULATIONS)
AND MAKE OTHER MINOR CORRECTIONS AND)
REVISIONS.)

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code; and
- B. The County Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00004) amending Article II, the Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, to implement new regulations and make other minor corrections and revisions.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it will (1) serve to revise the existing regulations regarding temporary uses and the use of property for special events, including existing language regarding the short term rental of property as it relates to allowable temporary uses of property, without compromising community values, environmental quality, or the public health and safety, (2) implement new regulations that apply to the use of property for temporary uses (special events), and (3) make other minor corrections and revisions.
- E. This County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the California Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the California Government Code, this County Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this County Planning Commission, based on the findings included as Attachment D of the County Planning Commission Staff report dated January 2, 2013.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this February 6, 2013 by the following vote:

AYES: Brown, Cooney, Hartman
NOES: Ferini
ABSTAIN: Blough
ABSENT:

(Signed copy on file)

JOAN HARTMANN, Chair
Santa Barbara County Planning Commission

ATTEST:

(Signed copy on file)

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By *(Signed copy on file)*
Deputy County Counsel

EXHIBITS:

1. 12ORD-00000-00004

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 2, DEFINITIONS AND DIVISION 7, GENERAL REGULATIONS, TO REVISE EXISTING REGULATIONS AND IMPLEMENT NEW REGULATIONS REGARDING THE USE OF PROPERTY FOR TEMPORARY USES (SPECIAL EVENTS), AND MAKE OTHER MINOR CORRECTIONS AND REVISIONS.

Case No. 12ORD-00000-00004

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

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definitions of “Calendar Year,” “Charitable Event,” “Event,” “Incidental Use,” “Nonprofit Organization” and “Remuneration” to read as follows:

Calendar Year. A period of a year beginning on January 1st and ending on December 31st.

Charitable Event. An event or activity that is held by or sponsored for the sole benefit of a nonprofit organization(s) established for the purpose of promoting philanthropic goals and social well-being including charitable, educational, religious, or other activities serving the public interest or common good.

Event. Any gathering of individuals, whether on public or private property, assembled with a common purpose, and usually for a specified period of time, including ceremonies, competitions, festivals and parties.

Incidental Use. A use of a lot and/or structure, or portion of a lot and/or structure, that is subordinate to the principal use of the lot and/or structure, and is developed or operated so as to not significantly alter or adversely affect the appearance, character or operation of the principal use of the lot or structure located on the lot.

Nonprofit Organization. An organization chartered for other than profit-making activities. Also known as a not-for-profit organization.

Remuneration. Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property and/or portion thereof, including any structures located thereon.

SECTION 2:

DIVISION 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete the text of Section 35-133, Carnivals, Circuses, etc., in its entirety and retain the section number for future use.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to delete the text of Section 35-135, Parking Lot Sales, in its entirety and retain the section number for future use.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-137, Temporary Uses, to read as follows:

Section. 35-137. Temporary Uses.

Section 35-137.1 Purpose and Intent.

~~The purpose of this section is to provide standards for the determination of which types of temporary uses are exempt from the requirement to obtain a Coastal Development Permit or Conditional Use Permit. In addition, this section provides additional permit regulations and processing requirements for temporary uses and developments. The intent is to give special consideration to such temporary uses and developments while preventing any adverse effects to coastal resources and surrounding properties through the requirement of conditions when a permit is required.~~

This Section provides permit requirements and development standards for temporary uses and structures. This Section also provides standards for determining which types of temporary uses are exempt from the requirement to obtain a planning permit. The intent is to give special consideration to temporary uses and structures in order to prevent adverse effects on surrounding properties and to coastal resources through the application of appropriate conditions.

Section 35-137.2 Applicability.

The provisions of this section shall apply to all temporary uses of property described within this section. Such uses shall also be subject to all the provisions set forth in Section 35-169 (Coastal Development Permits), ~~and~~ Section 35-172 (Conditional Use Permits) and Section 35-179A (Special Event Use Permits), as applicable. This section does not apply to the use of property for in-home retail sales that are regulated by Section 35-121 (Home Occupations).

Section 35-137.3 Processing.

~~No permits for temporary uses subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements.~~

Applications for permits for temporary uses subject to the provisions of this Section 35-137 (Temporary Uses) shall not be approved or conditionally approved except in compliance with the requirements of this Section and other applicable development standards of this Article. Temporary uses that are exempt from a planning permit shall still comply with any applicable development standards of this Article.

1. Exempt temporary uses. ~~The following temporary uses of property listed in Subsection 1.d., below, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are shall be exempt from any the requirement for the issuance of a Coastal Development Permit or Conditional Use Permit requirements provided that such uses are in compliance with all the criteria listed in Subsections 1.a through 1.c, below:~~

- a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;
- b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
- c. The proposed temporary use has been reviewed in advance by the Director ~~of the Planning Department~~, and the Director determined that it meets all of the following criteria:
 - 1) The temporary use will not result in ~~no~~ an adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;
 - 2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species,

significant scenic resources, or other coastal resources pursuant to the policies and sections of the certified Local Coastal Program;

- 3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources.
- d. The Director of the ~~Planning and Development Department~~, or the decision-maker, may determine that the following temporary uses shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria ~~in a. through c. of this section~~ listed in Subsections 1.a through 1.c, above, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. ~~In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:~~
 - 1) **Car washes.** Car washes, ~~located on commercially zoned property located on property with a commercial zone designation~~, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service institutions and organizations directly engaged in civic, ~~or~~ charitable and philanthropic efforts, ~~on nonresidential properties.~~
 - 2) ~~Charitable functions on property located outside the Montecito Planning Area.~~ The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, ~~provided:~~
 - a) ~~On property that is less than five acres in size, use of the subject property for such activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - b) ~~On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - 3) ~~Charitable functions on property located within the Montecito Planning Area.~~ The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, ~~provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
- 42) **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility pursuant to an approved development permit.
- 53) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
- 64) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director ~~of the Planning and Development Department~~, are similar to those identified in this section.

2. **Temporary uses that require a Coastal Development Permit.** The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require the issuance of a Coastal Development Permit ~~pursuant to~~ in compliance with Section 35-169 (Coastal Development Permits), ~~regardless of whether the development meets all of the criteria in a. through c. of Section 35-137.3.1:~~

- a. **Car washes.** Car washes, ~~located on commercially zoned property located on property with a commercial zone designation~~, operating more than two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service institutions and organizations directly engaged in civic, ~~or~~ charitable and philanthropic efforts.

- b. **Charitable functions and other noncommercial events on property located outside the Montecito Planning Area.** ~~The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where:~~
- ~~1) The property is less than five acres in size, use of the subject property for such activities exceeds five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.~~
 - ~~2) The property is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.~~
- The use of property for charitable and other noncommercial may be allowed in compliance with Section 35-137.3.4 (Charitable and other noncommercial events).
- c. **Dwellings.** An existing structure may be used for dwelling purposes on a temporary basis during the construction on the same lot of a new principal dwelling provided:
- 1) An agreement is recorded by the property owner prior to the issuance of the required Coastal Development Permit for the new principal dwelling specifying that said existing structure will be removed, converted or reconverted to a permitted accessory structure within 90 days following commencement of the occupancy of the newly constructed dwelling, and
 - 2) Said agreement shall include the granting of access to the property to Planning & Development as necessary to ensure the performance of said property owner's obligations set forth in said agreement.
- d. **Events Carnivals, circuses, and similar activities.** Carnivals, circuses, and similar activities, including ~~but not limited to~~ amusement parlors, art and craft fairs (including the sale of antiques and art objects), Ferris wheels, menageries, merry-go-rounds, outdoor shooting galleries, penny arcades, prizefights, religious assemblies, shooting matches, tent shows, trained animal shows, turkey shoots and wrestling matches, ~~located within agricultural, commercial or industrial zoning districts, provided they do not continue for more than five consecutive days~~ may be allowed provided they are located on property with an agricultural, commercial or industrial zone designation.
- e. **Rodeos and other equestrian events.** Rodeos and other equestrian events, provided:
- 1) The minimum lot size shall be 10 acres.
 - 2) The rodeo or equestrian event is located on property having an agricultural zoning district designation.
 - 3) The subject property is not located within 1,000 feet of any property having a residential zoning district designation.
 - 4) The number of spectators and participants present at the rodeo or equestrian event at any one time does not exceed 300.
- f. **Seasonal sales lots.** Seasonal temporary sales activities (e.g., Christmas trees, Halloween pumpkins, Thanksgiving materials, etc.) not subject to the regulations of Section 35-131 (Agricultural Sales) including temporary residence/security trailers, on non-residentially zoned land, or residentially zoned land utilized by an institution (e.g., church, school), provided they do not continue for more than 60 consecutive days.
- g. **Parking lot sales.** Parking lot sales located on a lot with a C-2 zone designation and limited to four parking lot sales per calendar year for any one establishment may be allowed in compliance with the following requirements:
- 1) The decision-maker shall not approve or issue the applicable planning permit unless the decision-maker finds that the proposed sale will not be detrimental to the public health, safety, and welfare and that adequate onsite pedestrian access and parking will exist during the proposed sale.

- 2) The decision-maker may impose any reasonable conditions as necessary to protect and preserve the public health, safety, and welfare.

h. Other similar temporary activity. Any other similar activity conducted for a temporary period either outdoors, within temporary structures or within single-family residential zoning districts which, as determined by the Director, has the potential to result in an adverse effect on surrounding properties.

3. Temporary uses that require a Minor Conditional Use Permit. The following temporary uses of property, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, require the approval of a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to in compliance with Section 35-172 (Conditional Use Permits) and the issuance of a Coastal Development Permit pursuant to in compliance with Section 35-169 (Coastal Development Permits), regardless of whether the development meets all of the criteria in a. through e. of Section 35-137.3.1:

a. Reception and similar gathering facilities (commercial). ~~Reception facilities that provide indoor or outdoor facilities on a commercial basis for receptions, parties, weddings or other similar gatherings~~ The use of property for Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings that are not included in Section 35-137.3.1.d.3) (Public assembly facilities), above, may be allowed in compliance with Section 35-137.3.5 (Reception and similar gathering facilities (commercial)).

b. Charitable functions and other noncommercial events on property located outside the Montecito Planning Area. ~~The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, where the property is less than five acres in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time exceeds 300.~~

The use of a lot for charitable and other noncommercial events may be allowed in compliance with Section 35-137.3.4 (Charitable and other noncommercial events).

c. Rodeos and other equestrian events. Rodeos and equestrian events that do not conform to the provisions of Section 35-137.3.2.e.

d. Spectator entertainment facilities. Spectator entertainment facilities including but not limited to concerts, outdoor movies, and live performance stages or theaters.

e. Parking lot sales. Parking lot sales located on a lot with a C-2 zone designation and in excess of four parking lot sales per calendar year for any one establishment may be allowed in compliance with the following requirements:

- 1) The decision-maker shall not approve or issue the applicable planning permit unless the decision-maker finds that the proposed sale will not be detrimental to the public health, safety, and welfare and that adequate onsite pedestrian access and parking will exist during the proposed sale.

- 2) The decision-maker may impose any reasonable conditions as necessary to protect and preserve the public health, safety, and welfare.

4. Charitable and other noncommercial events. The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial events, including private gatherings of family and friends, may be allowed in compliance with the following requirements.

a. Purpose and intent. The purpose and intent of this Section 35-137.3.4 is to allow an owner or non-transient tenant to use private property for charitable and other noncommercial events as a temporary use that is incidental and subordinate to the residential use of the property provided the property is used in compliance with the following permit requirements and development and operational standards. Additionally, the intent is to not allow events associated with the short-term rental of property as charitable or other noncommercial events.

- 1) For the purposes of this Section 35-137.3.4:

- a) Non-transient tenant means any person who uses or possesses, or has the right to use or possess, a lot or portion thereof, including any structures located on the lot, for a period of 31 consecutive calendar days or more, counting portions of calendar days as full days.
- b) Short-term rental of property means the possession or use of a lot or any portion thereof, including any structures located on the lot, for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days, and including rentals that are subject to the payment of a transient occupancy tax in compliance with County Code Chapter 32 (Taxation).
- b. **Applicability.** The restriction on the maximum number of events allowed within a calendar year as provided in Subsection 4.c (Permit requirements and development and operational standards), below, shall not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, is:
- 1) 75 or fewer, if the lot on which the event is held is located outside of the Montecito Community Plan area, or,
 - 2) 75 or fewer, if the lot on which the event is held is located within the Montecito Community Plan area.
- c. **Permit requirements and development and operational standards.** The use of a lot or portion thereof, including any structures located on the lot, for charitable and noncommercial events may be allowed in compliance with the following permit requirements and development and operational standards.
- 1) **Property located outside of the Montecito Community Plan area.**

<u>Lot Size (1)</u>	<u>Maximum Number of Events (2)</u>	<u>Maximum Number of Persons (3)</u>	<u>Permit Requirement</u>
<u>Less than 5 acres</u>	<u>5</u>	<u>300</u>	<u>Exempt</u>
		<u>Greater than 300</u>	<u>Minor Conditional Use Permit</u>
	<u>6 or more</u>	<u>300</u>	<u>Land Use Permit</u>
		<u>Greater than 300</u>	<u>Minor Conditional Use Permit</u>
<u>5 acres or more</u>	<u>No maximum</u>	<u>300</u>	<u>Exempt</u>
		<u>Greater than 300</u>	<u>Land Use Permit</u>

Notes:

1. Measured as gross lot area.
2. This number represents the maximum number of events that may be held on the lot within the same calendar year.
3. This number represents the maximum number of event attendees, not including event staff, present at the event at any one time.

2) **Property located within the Montecito Community Plan area.**

<u>Lot Size</u>	<u>Maximum Number of Events (1)</u>	<u>Maximum Number of Persons (2)</u>	<u>Permit Requirement</u>
<u>All lots</u>	<u>3</u>	<u>300</u>	<u>Exempt</u>
<u>All lots</u>	<u>1</u>	<u>Maximum number determined by permit.</u>	<u>Special Event Use Permit</u>

Notes:

1. This number represents the maximum number of events that may be held on the lot within the same calendar year.
2. This number represents the maximum number of event attendees, not including event staff, present at the event at any one time.

3) **All charitable and other noncommercial events.** The following apply to all charitable and other noncommercial events.

- a) The owner or non-transient tenant of the lot on which the event occurs shall not receive any remuneration associated with such event or temporary use, and there may not be any charge, fee, payment or other compensation for the temporary use of the lot for the

event on which the event occurs, except that an owner or non-transient tenant may be reimbursed for actual and direct costs incurred by the owner or non-transient tenant associated with allowing the lot to be used for an event including providing site clean-up following the event.

b) Charitable and other noncommercial events associated with the short-term rental of property.

i) Property located outside of the Montecito Community Plan area. On property located outside of the Montecito Community Plan area, a permit for a Reception and Similar Gathering Facility (commercial) shall be required to be approved or conditionally approved in compliance with Section 35-137.3.5 (Reception and similar gathering facilities (commercial)), below, prior to commencement of any event associated with the short-term rental of property.

ii) Property located within the Montecito Community Plan area. On property located inside of the Montecito Community Plan area, charitable and other noncommercial events associated with the short-term rental of property are only allowed on lots with a commercial zone designation.

c) The duration of the event shall not exceed a single 24-hour period, except that event set-up, breakdown, and clean-up may occur outside of this period.

4) Charitable events. The following apply to all charitable events.

(a) The event shall be held by or sponsored for the sole benefit of a charitable nonprofit organization(s).

(b) 100 percent of the net proceeds collected for the event, after operational expenses are met, are remitted to the sponsoring charitable organization(s).

5) Other noncommercial events. Other noncommercial events that are not allowed as a charitable event in compliance with Subsection F.4.c(3), above, may be allowed provided there is no commercial component including:

(1) The payment of any fee including admission fees and membership fees.

(2) Filming for commercial purposes.

(3) Promoting a product.

(4) Public advertising.

6) Political fundraising events. Subsection F.4.c(5) does not apply to fundraising events whose sole political purpose is to solicit money or pledges for political purposes.

5. Reception and similar gathering facilities (commercial). Reception and similar gathering facilities providing indoor or outdoor facilities that are accessory and incidental to the principal use of the property on a temporary, commercial basis for receptions, parties, weddings, or other similar gatherings, which may include the erection of temporary structures such as fences, booths, tents or the parking of trailers, may be allowed in compliance with the following:

a. Property located outside of the Montecito Community Plan area. On property located outside of the Montecito Community Plan area, a lot may be used as a Reception and similar gathering facility in compliance with Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).

b. Property located within of the Montecito Community Plan area. On property located outside of the Montecito Community Plan area, a lot having a commercial zone designation may be used as a Reception and similar gathering facility in compliance with Minor Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits).

~~4. No Conditional Use Permit shall be approved, nor shall any Coastal Development Permit be issued, until the Supervisor of the Supervisorial District in which the use is proposed, or his or her designated representative, has been notified of the application.~~

56. A Coastal Development Permit requested pursuant to Section 35-137.3.2 shall be approved, approved with conditions, or denied within 30 days of submittal of a complete application for the Coastal Development Permit.

Section 35-137.4 Development Standards.

Temporary uses ~~permitted under~~ allowed in compliance with Section 35-137.3 (Processing) shall comply with the following development standards.

1. Temporary uses shall not continue for more than five consecutive days unless otherwise specified.
2. The applicant for the temporary use shall comply with all provisions of the laws of the County of Santa Barbara including, but not limited to, the County Business License Ordinance and any conditions imposed pursuant to this Article or any other such ordinance.
3. The decision-maker with jurisdiction over the proposed temporary use shall have the right to impose reasonable conditions upon the operation of the temporary use in order to protect and preserve the public health, safety, or welfare. Noncompliance with any conditions of approval of a temporary use permit shall constitute a violation of the zoning ordinance. Such conditions may include, but shall not be limited to:
 - a. Special setbacks and buffers.
 - b. Regulation of outdoor lighting.
 - c. Regulation of points of vehicular ingress and egress, the location of parking areas, and implementation of a parking plan. ~~Said plan may include, including:~~
 - 1) The requirement for a parking coordinator to be present at all times during any temporary event attended by 100 or more persons to manage and direct vehicular movement.
 - 2) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
 - 3) Appropriate signage placed onsite prior to the commencement of each event, directing visitors to and indicating the location of parking areas. ~~Signs shall be placed prior to the commencement of each event.~~
 - d. Regulation of noise, vibration, odors, etc.
 - e. Regulation of the number, height and size of temporary structures, equipment, and signs.
 - f. Limitation on the hours and days of operation ~~of the proposed temporary use.~~
 - g. If special sales are involved, limitations on the location where sales may occur, the number of vendors and the scope of goods sold.
 - h. Obtaining all the appropriate Public Health Department permits and authorizations if food sales are involved.
 - i. ~~If necessary, review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district.~~ Review and approval of the proposed temporary use by the County Fire Department or applicable fire protection district, if required.
 - j. ~~Obtaining a County Business License if necessary~~ all other necessary County permits and licenses.
4. ~~All temporary electrical facilities, temporary toilet and plumbing facilities, and temporary shelters or structures shall be approved by the Building and Safety Division of Planning and Development and the County Fire Department or fire protection district.~~

All temporary electrical facilities, temporary toilet and plumbing facilities, temporary use of public roads, temporary use of County facilities and temporary shelters or structures shall receive all necessary approvals from the Community Services Department, the Director, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department and the Sheriff.
5. The area used as a temporary event shall be left in a clean and orderly manner with all structures, signs, and other material removed within three days following the cessation of the event.

Section 35-137.5 *Additional Findings.*

In addition to the findings required to be adopted by the decision-maker pursuant to Sections 35-169 and 35-172, in order to approve an application for a temporary use, the decision-maker shall also make the following findings:

1. That the site is adequate in size and shape to accommodate the proposed temporary use.
2. That the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways or vehicular circulation patterns.

Section 35-137.6 *Noticing.*

1. ~~Notice of a Coastal Development Permit approved pursuant to Section 35-137.3 shall be provided in accordance with Section 35-181 (Noticing). In addition, a copy of the approved Coastal Development Permit shall be mailed, at least 10 calendar days prior to the date on which the Coastal Development Permit is to be issued, to owners of property located within 300 feet of the exterior boundaries of the lot that temporary use is located on and to any person who has filed a written request with the Planning and Development Department.~~

Notice. Notice of an application for a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Land Use Permit or Special Event Use Permit for a temporary use shall be provided in compliance with Section 35-181 (Noticing).

2. ~~Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing).~~

2. **Notification of Supervisor.** An application for a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Land Use Permit or Special Event Use Permit that allows the establishment of a temporary use shall not be approved until the Supervisor of the Supervisorial District in which the temporary use or event is proposed, or his or her designated representative, has been notified of the application.

Section 35-137.7 *Appeals.*

1. ~~A Coastal Development Permit approved pursuant to Section 35-137.3 may be appealed consistent with the provisions of Section 35-182 (Appeals).~~

The action of the decision-maker to approve, conditionally approve, or deny a Coastal Development Permit, Conditional Use Permit or Minor Conditional Use Permit, Land Use Permit or Special Event Use Permit for a temporary use is final subject to appeal in compliance with Section 35-182 (Appeals).

Section 35-137.8 ~~*Contents of an Application*~~ *Referral to other County departments.*

~~Application for a temporary use shall be made on forms provided by the County and shall include, in addition to all materials otherwise required pursuant to Section 35-169.3, such plans and other information as may reasonably be required by the Director of the Planning & Development Department for a complete understanding of the proposed temporary use and its consistency with the policies and development standards the certified Local Coastal Program, accompanied by an application fee as established by resolution of the Board of Supervisors.~~

After receipt of an application for a temporary use, the Department shall refer the application to other County departments and districts that may be involved in the review of the application including the Community Services Department, the County Fire Department or applicable fire protection district, the General Services Department, the Public Health Department, the Public Works Department, Sheriff and the Treasurer-Tax Collector.

SECTION 5:

DIVISION 11, PERMIT PROCEDURESS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179A titled "Special Event Use Permit" to read as follows:

Section 35-179A **Special Event Use Permits.**

Section 35-179A.1 **Purpose and Intent.**

The purpose of this section is to establish the procedures and findings for the approval and issuance of Special Event Use Permits. The intent of this section is to ensure that any development allowed by a Special Event Use Permit is in conformity with the provisions of this Article, the Comprehensive Plan including the Coastal Land Use Plan and any applicable Community Plan or Area Plan.

Section 35-179A.2 **Contents of application.**

1. An application for a Special Event Use Permit shall be submitted in compliance with Section 35-57A (Application Preparation and Filing).
2. An application for a Coastal Development Permit for the development requested by the Special Event Use Permit application shall also be submitted and shall be processed concurrently and in conjunction with the Special Event Use Permit application except when the Coastal Commission is the decision-maker for the Coastal Development Permit when the development is located (1) within the retained permit jurisdiction of the Coastal Commission in compliance with Public Resources Code Section 30519(b), or (2) in areas where the County's Local Coastal Program has not been certified by the Coastal Commission.
 - a. The application for the Coastal Development Permit shall contain all the submittal requirements for a Coastal Development Permit in compliance with Section 35-169.4.3 (Coastal Development Permits processed in conjunction with a Conditional Use Permit or Final Development Plan) that the Director determines to be applicable to the request.

Section 35-179A.3 **Processing.**

1. After receipt of an application for a Special Event Use Permit, the Department shall:
 - a. Provide notice of the application in compliance with Section 35-181 (Noticing).
 - b. Review the application in compliance with the California Environmental Quality Act.
 - c. Refer the application to the Special Event Coordinator of the Community Development Department for review and recommendation to the Director.
2. **Notice and action of the Director.** A public hearing shall not be required; however:
 - a. Notice of the pending decision of the Director on the application for the Special Event Use Permit shall be given at least 10 days before the date of the Director's decision in compliance with Section 35-181 (Noticing).
 - 1) If the lot on which the event occurs is one acre (gross) or more, then the notice shall also be provided to all property owners located within 1,000 feet of the exterior boundaries of the subject lot.
 - b. The Director may approve, conditionally approve, or deny the Special Event Use Permit.
 - c. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

Section 35-179A.4 **Findings required for approval.**

A Special Event Use Permit application shall be approved or conditionally approved only if the Director first makes all of the following findings:

1. The site for the temporary use is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.
2. Adverse environmental impacts will be mitigated to the maximum extent feasible.
3. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the temporary use.
4. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the temporary use.

5. The temporary use will not be detrimental to the comfort, convenience, general welfare, health and safety of the neighborhood and will be compatible with the surrounding area.
6. The temporary use will comply with all applicable requirements of this Development Code and the Comprehensive Plan including the Montecito Community Plan.
7. The temporary use will not potentially result in traffic levels higher than those anticipated for the lot by the Montecito Community Plan and its associated environmental documents; or if the temporary use would result in higher traffic levels, the increase in traffic is not large enough to cause the affected roadways and/or intersections to exceed their designated acceptable capacity levels at build-out of the Montecito Community Plan or road improvements included as part of the project description are consistent with the provisions of the Montecito Community Plan and are adequate to fully offset the identified potential increase in traffic.
8. The temporary use will not adversely impact recreational facilities and uses.
9. Within Rural areas as designated on the Comprehensive Plan maps, the temporary use will be compatible with and subordinate to the rural and scenic character of the area.
10. The temporary use will not conflict with any easements for which there is public access through, or public use of a portion of the subject property.
11. The proposed use is consistent with the intent of the applicable zone.
12. Adequate temporary parking to accommodate vehicular traffic generated by the temporary use is available either on-site or at alternate locations acceptable to the Director.

Section 35-179A.5 **Requirements Prior to Commencement of Special Event.**

1. Prior to commencement of the event allowed by the Special Event Use Permit:
 - a. **Coastal Development Permit required.** A Coastal Development Permit shall be issued prior to the commencement of the first special event authorized by the Special Event Use Permit either by the County in compliance with Section 35-169 (Coastal Development Permits) or the Coastal Commission because the development is located within the retained permit jurisdiction of the Coastal Commission.
 - b. **Land Use Permit required.** In addition to the issuance of a Coastal Development Permit, the issuance of a Land Use Permit in compliance with Section 35-178 (Land Use Permits).472.110 (Land Use Permits) shall be required prior to the commencement of each special event authorized by the Special Event Use Permit.

SECTION 6:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 7:

Except as amended by this Ordinance, Division 2 and Division 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to California Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel