

ATTACHMENT 14:

MONTECITO PLANNING COMMISSION STAFF REPORT DATED 02/10/2016

THIS PAGE LEFT BLANK INTENTIONALLY

**SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
2016 General Package Ordinance Amendments**

Hearing Date: February 17, 2016

Assistant Director: Dianne Black

Staff Report Date: February 10, 2016

Staff Contact: Noel Langle

Case Nos. 15ORD-00000-00003 & 15ORD-00000-00004

Phone No.: (805) 568-2067

Environmental Document:

MLUDC - CEQA Guidelines Section 15061(b)(3)

Article II CZO - CEQA Guidelines Sections 15061(b)(3) and Section 15265

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Case No. 15ORD-00000-00003.** Adopt a recommendation to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00003) amending Division 35.2, Montecito Zones and Allowable Land Uses, Division 35.3, Montecito Site Planning and Other Project Standards, Division 35.4, Montecito Standards for Specific Land Uses, Division 35.5, Montecito Resource Management, Division 35.7, Montecito Planning Permit Procedures, Division 35.9, Montecito Land Use and Development Code Administration, and Division 35.10, Glossary, Appendix D, Development Standards for Residential Second Units on Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C; and
- 1.2 Case No. 15ORD-00000-00004.** Adopt a recommendation to the County Planning Commission that it recommend to the Board of Supervisors that Board of Supervisors adopt an ordinance (Case No. 15ORD-00000-00004) amending Division 1, In General, Division 2, Definitions, Division 4, Zoning Districts, Division 5, Overlay Districts, Division 7, General Regulations, Division 8, Services, Utilities and Other Related Facilities, and Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment F.

The proposed ordinances would implement new regulations and make other minor clarifications, corrections and revisions regarding:

- Agricultural employee proof of employment (Coastal Zone only).
- Cabaña requirements.
- Community Care facilities.
- CUP Design Review requirements.
- Lot Line Adjustments standards for approval.
- Overlay Zone-Airport Approach: include EHS review of hazardous materials (Coastal Zone only).
- Medical marijuana cultivation regulations cross-reference.

- Permit exemptions.
- Public safety facilities (Coastal Zone only).
- Street Frontage definition (Inland area only).
- Use Determinations procedures (Coastal Zone only).
- Wastewater disposal permit requirements and standards for private systems.

The proposed ordinances also make other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language. The proposed ordinance amending the Montecito Land Use and Development Code also deletes language that only applies within the Coastal Zone.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case No. 15ORD-00000-00003. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 15ORD-00000-00003 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 15ORD-00000-00003, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case No. 15ORD-00000-00004. Follow the procedures outlined below and recommend to the County Planning Commission that they recommend to the Board of Supervisors that the Board approve Case No. 15ORD-00000-00004 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval and recommend that the Board of Supervisors make the findings for approval of the proposed amendment (Attachment D);
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment E); and,
3. Adopt a Resolution recommending that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 15ORD-00000-

00004, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment F).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 15ORD-00000-00003. This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the Santa Barbara County Montecito Land Use and Development Code. The Government Code and the Montecito Land Use and Development Code require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County located within the non-Coastal Zone portion of the Montecito Community Plan Area, review and consider proposed amendments to the Montecito Land Use and Development Code and provide a recommendation to the Board of Supervisors.

3.2 Case No. 15ORD-00000-00004. This project is being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to the Article II Coastal Zoning Ordinance that will affect land use decisions within the Coastal Zone portion of the Montecito Planning Area.

4.0 BACKGROUND

4.1 General Information. The Planning and Development Department is committed to keeping the zoning ordinances accurate and up-to-date by routinely processing amendments that address emerging issues, and correct and clarify existing language, in order to ensure that regulations keep pace with current trends and policies, as well as State Law. The following amendments:

- Add new development standards and restrictions pertaining to specific land uses.
- Clarify existing procedures and requirements.
- Correct errors and omissions.
- Implement revisions in State law.

5.0 PROJECT DESCRIPTION

The table on the following page shows which of the proposed amendments amend both the Montecito Land Use and Development Code (MLUDC) and the Article II Coastal Zoning Ordinance (Article II) or just the MLUDC or just Article II. Similar amendments will be presented to the County Planning Commission on February 24, 2016. The amendments to the MLUDC will take effect 30 days following adoption of the ordinance by the Board of Supervisors. Because the amendments to Article II constitute an amendment to the County's certified Local Coastal Program, the amendments will take effect following final certification of the amendments by the Coastal Commission.

A summary of the proposed amendments and their purpose is provided below. The complete texts of the ordinance amendments are contained in Exhibit 1 of Attachment C (MLUDC) and Exhibit 1 of

Attachment F (Article II). Proposed deletions are shown by striking through the text and proposed additions are underlined. The use of an ellipsis (...) indicates that sections where the text is unchanged have been omitted for the sake of brevity. The following summary includes references to the sections within the actual ordinances where the specific text revisions may be found.

	AMENDMENT TOPIC	APPLICABILITY	
		MLUDC	ARTICLE II
1	Agricultural employee proof of employment		✓
2	Cabaña requirements	✓	✓
3	Community Care facilities	✓	✓
4	CUP Design Review requirements	✓	✓
5	Lot Line Adjustments standards for approval	✓	✓
6	Medical marijuana cultivation regulations cross-reference	✓	✓
7	Overlay Zone - Airport Approach		✓
8	Permit exemptions	✓	✓
9	Public safety facilities		✓
10	Street Frontage definition	✓	
11	Use Determinations procedures		✓
12	Wastewater disposal permit requirements and standards for private systems	✓	✓

The MLUDC ordinance amendment also includes the deletion of standards and references that only apply within the Coastal Zone or merely distinguish between coastal and non-coastal requirements since Article II continues to be the implementing ordinance of the County’s certified Local Coastal Program. The MLUDC and Article II ordinance amendments also include minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language. These revisions, including the deletion of Coastal Zone language, are not discussed in this staff report but are shown through the use of underlines and strikethroughs in the attached ordinances (Exhibit 1 of Attachments C and F).

The MLUDC and Article II are collectively referred to in the following discussion as the “zoning ordinances;” however, if only the MLUDC or Article II is revised by the amendment then that document will be specifically identified.

5.1 Agricultural Employee Proof of Employment (Article II - Exhibit 1 of Attachment F SECTIONS 6, 8, 9, 11, 12, 22, 23, 32).

Article II currently provides that additional residences that provide housing for four or fewer agricultural employees engaged full-time in agriculture may be allowed with a Minor CUP in the AG-I and AG-II zones; in the same zones, additional residences that provide housing for five or more agricultural employees engaged full-time in agriculture may be allowed with a Major CUP. Such residences may be located in permanent structures as well as trailers.

Article II also requires that an application for a Minor CUP for a permanent structure must include proof of full-time employment for each prospective resident(s), but does not provide any examples of what constitutes acceptable proof. An application for a Minor CUP for a trailer must also include proof of full-time employment for each prospective resident(s); however, in this instance Article II does include the following examples of what constitutes acceptable proof:

- Employer's income tax return.

- Employee's pay receipts.
- Employee's W-2 form.
- Notarized contract between applicant and employee which delineates work to be performed and wages to be received.
- Employer's DE-3.
- Other option approved by Planning and Development.

As mentioned above, the occupancy of residences allowed with a Major CUP are also restricted to agricultural employees engaged full-time in agriculture but the existing Article II language does not stipulate that proof of such full-time employment must be provided.

The proposed amendments to Article II creates a new Section 35-144R (Agricultural Employee Dwellings) that contains all the permit requirements and development standards for agricultural employee dwellings including the requirement that proof of full-time employment must be provided for all applications, and providing examples of what constitutes acceptable proof.

5.2 Cabaña Requirements (MLUDC - Exhibit 1 of Attachment C SECTIONS 23, 42, 43; Article II - Exhibit 1 of Attachment F SECTIONS 4, 5, 21).

Cabañas (pool houses) are currently allowed as a structure accessory to the residential use of property in conjunction with a proposed pool or sport court provided that construction of the proposed pool or sport court is completed before or simultaneously with completion of the cabaña. A cabaña may also be approved on a lot that is directly adjacent to the sea. The existing definition of cabaña in the MLUDC limits sport courts to regulation size basketball and tennis courts; the Article II definition does not contain this limitation and instead includes examples of sport courts such as basketball, handball and tennis courts.

Both cabañas and guest houses may contain a wetbar and a full bathroom (i.e., toilet, sink, and bathing facilities); however, the zoning ordinances specifically prohibit cabañas from being used as a guesthouse or dwelling and for overnight accommodations. Unlike a guest house which requires a minimum lot area of either one acre in the Coastal Zone or two acres in the non-coastal portion of the Montecito Community Plan area, there is no minimum lot size required to have a cabaña.

The Department has received several applications for cabañas that are associated with sport courts such as bocce ball or sand volleyball courts, and portable spas that are easily removed once the construction of the cabaña has been completed. This raises the possibility that the cabaña will then serve as a guesthouse even though the lot may not meet the minimum size requirement. To address this, the amendments propose to:

- Add the following definition of Sports Court and Swimming Pool:

Sports Court. A structure which consists of a hardscape or other surface having a minimum size of 20 feet by 50 feet that is utilized in connection with a flat game court structure devoted to recreational purposes including basketball, handball, tennis, and volleyball but excluding bocce ball courts, lawn bowling courts and similar facilities, patios, and areas used for driveways or parking of vehicles.

Swimming pool. A structure containing a body of water, whether above or below the ground, having a minimum length, width and depth of 45 feet, eight feet and 42 inches, respectively, and which shall be designed for and used or intended to be used for swimming by individuals. The following shall be excluded from this definition:

- (1) Hot tubs, spas, including swim spas, and similar facilities.
 - (2) Ornamental ponds or water features, developed as landscape design features where swimming is not intended and does not occur.
 - (3) Portable, inflatable, and wading pools.
- Add the following restrictions on the use of the cabaña:

The cabaña may be maintained and used as a cabaña provided that the sports court or swimming pool that the cabaña is accessory to is also maintained on the lot. If the sports court or swimming pool to which the cabaña is accessory to is abandoned or removed, then the use of the cabaña shall cease and the structure shall either be removed or lawfully converted to an allowed accessory structure within 90 days following the abandonment or removal of the sports court or swimming pool.

The amendment to the MLUDC also proposes to amend the existing definition of Cabaña to read as shown below. This would remove the existing limitation regarding what qualifies as a sport court, and allow for other sport courts such as handball and volleyball courts.

Cabaña. A building, the use of which is incidental and accessory to the use of ~~the beach,~~ a swimming pool, or sports court (~~i.e., regulation size tennis or basketball court~~), that may include bathrooms, but does not include sleeping quarters or cooking facilities.

5.3 Community Care Facilities (MLUDC - Exhibit 1 of Attachment C SECTIONS 3, 4, 5, 6, 7, 20, 42, 44; Article II - Exhibit 1 of Attachment F SECTIONS 5, 6, 30).

Regulations regarding community care facilities (e.g., day care, special care homes) were originally added to the County's zoning ordinances in 1985 and, with the exception of permit requirements for child care, have not been significantly amended since then. Revisions are necessary to be consistent with existing State regulations regarding community care facilities. This amendment revises the existing language to:

- Be better organized and reduce repetition,
- Comply with State requirements,
- Allow day care facilities to be used for adult day care in addition to child day care,
- Within the Coastal Zone, allow the review authority as part of their action on a Conditional Use Permit to modify development standards for non-residential day care centers regarding limits on the number of clients and the size of the facility, and the requirement that outdoor play areas be separated from adjacent uses by a solid, masonry wall at least four feet in height, provided the facility may still be found to be compatible

with the adjacent land uses.

5.4 CUP Design Review Requirements ((MLUDC - Exhibit 1 of Attachment C SECTION 40; Article II - Exhibit 1 of Attachment F SECTION 37).

MLUDC. The MLUDC design review regulations require that any structure or sign proposed within the Montecito Community Plan area is subject to review by the Montecito Board of Architectural Review unless it is otherwise exempt from design review (e.g., minor exterior alterations, solar panels, residential second units). However, the processing requirements for conditional use permits (CUP) only specify that residential structures on lots adjacent to the sea are subject to design review. Therefore, to provide internal consistency within the MLUDC, the amendment revises the CUP processing requirements to:

- Delete the reference to lots adjacent to the sea since this is not applicable outside the Coastal Zone, and
- Include a new requirement that an application for a CUP is subject to review by the Montecito Board of Architectural Review.

ARTICLE II. The design review regulations in Article II also require that any structure or sign proposed within the Montecito Community Plan area is subject to design review by the Montecito Board of Architectural Review. However, similar to the MLUDC, the CUP processing requirements only specify that residential structures on lots adjacent to the sea are subject to design review. Therefore, to provide internal consistency within Article II, and also require design review for larger projects, the amendment revises the CUP processing requirements to additionally require design review for:

- An application for a structure or sign located within the Montecito Community Plan Area.
- An application for a Major Conditional Use Permit.
- An application for a Minor Conditional Use Permit as specifically identified by the Director, Zoning Administrator, Planning Commission, or Board of Supervisors.

5.5 Lot Line Adjustments (MLUDC - Exhibit 1 of Attachment C SECTION 12; Article II - Exhibit 1 of Attachment F SECTION 24).

In order to approve a Lot Line Adjustment, the review authority must find that any lot involved in the adjustment whose existing area equals or exceeds the minimum lot area requirement of the applicable zone shall not become smaller than the minimum lot area requirement as a result of the adjustment. However, in addition to the minimum lot area requirement, the R-1/E-1 and R-2 zone zones also have a minimum lot width requirement. This amendment adds that in addition to the finding regarding minimum lot area, the review authority, in order to approve a lot line adjustment, must also find that any lot involved in the adjustment whose existing lot width is equals or exceeds the minimum lot width requirement of the applicable zone shall not become smaller than the minimum lot width requirement as a result of the adjustment. This amendment also includes several minor revisions to the existing development standards.

5.6 Medical Marijuana Cultivation Regulations (MLUDC - Exhibit 1 of Attachment C SECTION 13; Article II - Exhibit 1 of Attachment F SECTION 31).

On January 19, 2016 the Board of Supervisors adopted by ordinance an amendment to the County Code that adds a new Article X, Medical Marijuana Regulations, to Chapter 35, Zoning, of the County Code. Article X includes restrictions on the cultivation of medical marijuana. This amendment revises the existing language in the zoning ordinance that prohibits medical marijuana dispensaries to include a cross-reference to Article X regarding the cultivation of medical marijuana.

5.7 Overlay Zone - Airport Approach (Article II - Exhibit 1 of Attachment F SECTION 20).

This overlay zone requires that prior to the approval of a permit located within an airport clear zone that involves the storage of more than 10 gallons of flammable liquids or hazardous materials:

- The applicable Fire Department or Fire Protection District shall review the requested permit, and
- Any potential hazards associated with the storage of said materials are mitigated to the reasonable satisfaction of the applicable Fire Department or District.

This amendment revises the overlay zone language to include the County Public Health Department in the review of such permits and require that any potential hazards associated with the storage of said materials will also be mitigated to the reasonable satisfaction of the County Public Health Department. This recognizes that the Environmental Health Services Division of the Public Health Department has the responsibility to implement Federal and State laws addressing hazardous materials.

5.8 Permit Exemptions (MLUDC - Exhibit 1 of Attachment C SECTION 2; Article II - Exhibit 1 of Attachment F SECTIONS 3, 34).

MLUDC. Currently MLUDC Section 35.420.040 (Exemptions from Planning Permit Requirements) is divided into (1) exemptions that apply to both the Inland area and the Coastal Zone, (2) exemptions that only apply within the Inland area, and (3) exemptions that only apply within the Coastal Zone. The amendment to the MLUDC revises Section 35.420.040 to remove all regulations and references to pertain to the Coastal Zone.

Additionally, this section is revised to (1) revise the language regarding exemptions for accessory structures, (2) address when a change in the occupancy or use of a structure does not require a permit, (3) clarify that the replacement of an existing and conforming structure does not require a permit, and (4) clarify that modification, replacement or repair of an on-site wastewater treatment system does not require a permit under certain circumstances. These amendments are discussed below.

Accessory structures. Currently one story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, do not require a planning permit provided that the height does not exceed 12 feet, the roof area does not exceed 120 square feet, and the structure does contain any plumbing or electrical facilities. This amendment revises the existing exemption to specify that the floor area, instead of the

roof area, is limited to 120 square feet in order to be consistent with a recent amendment to the building code.

Change of occupancy or use. The amendment adds a new exemption to clarify that a change in the occupancy or use of an existing structure that meets the following requirements does not require a new planning permit:

- The occupancy or use that exists prior to the change is a legal, permitted use of the structure.
- The change is from a land use listed as a permitted use in the applicable land use tables to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop).
- The new occupancy or use does result in an increase in the number of parking spaces required to be provided on-site.
- The new occupancy or use is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Development Code, including any required provisions and conditions of any existing, approved permits for the subject lot.
- Any permit or approval required by regulations other than this Development Code is obtained (for example, a Building Permit and/or Grading Permit).

Onsite wastewater treatment system modifications. The amendment adds a new exemption to clarify that that in addition to the installation of onsite wastewater treatment systems (not including alternative wastewater treatment systems), the modification, replacement or repair of an existing system does not require a new planning permit provided that the modification, replacement or repair occurs in substantially the same area as the existing system.

Replacement of existing, conforming structures. The amendment adds a new exemption to clarify that the replacement of an existing permitted and conforming structure does not require a new planning permit provided:

- The reconstructed structure complies with all requirements of the applicable zone, is for the same use, is located in the same footprint, and does not exceed the floor area, height, or bulk of the existing structure.
- The exterior design or specifications are not proposed to be revised, or, if revisions are proposed, the revisions are determined to be minor by the Director.
- The structure is less than 50 years old or, if the structure is 50 years old or greater, either the Director or the Historic Landmark Advisory Commission has determined that it is not historically significant.

ARTICLE II. Article II lists those uses that are exempt from a planning permit under the processing requirements for Coastal Development Permits. The amendment to Article II deletes

the exemptions from this section and creates a new Section 35-57B titled Exemptions from Planning Permit Requirements which is organized in a manner that conforms to the language that was approved by the California Coastal Commission when they took action on the County and Montecito Land Use and Development Codes in November 2010. In addition to the revisions discussed above, the Article II amendment also adds new exemptions for the following:

Demolition. The demolition of structures that are less than 50 years old. If the structure is 50 years old or greater, then the exemption could still apply provided either the Director or the Historic Landmark Advisory Commission determines that the structure is not historically significant.

Lot Line Adjustment recordation. The recordation of documents required to complete a Lot Line Adjustment provided a Coastal Development Permit was approved in conjunction with the approval of the Lot Line Adjustment and the Coastal Development Permit has not expired.

Signs, flags, and similar devices.

- Signs, flags and similar devices that are exempt in compliance with Section 35-138 (Signs and Advertising Structures), provided the development does not exceed a maximum height of 35 feet and is not lighted. Signs, flags and similar devices that are exempt in compliance with Section 35-138 are limited to:
 - Flags of a governmental entity or a civic, philanthropic, educational, or religious organization.
 - Signs and devices erected by a governmental entity.
 - Signs erected by a public utility or common carrier to warn of dangers, such as the location of underground facilities and railroad crossings.
 - Signs required to be maintained or posted by law or governmental order, rule, or regulation.
 - Signs within buildings.
- Signs that may be permitted in compliance with Section 35-138 (Signs and Advertising Structures) that are proposed to be affixed to existing, lawfully constructed structures.

5.9 Public Safety Facilities (Article II - Exhibit 1 of Attachment F SECTIONS 5, 36).

The MLUDC defines Public Safety Facility as “A facility that houses public safety personnel and equipment, (e.g., police, fire, paramedics). Facility may include kitchens, sleeping accommodations, areas for equipment maintenance.” In the Inland area of Montecito such facilities are allowed as a permitted use in the Neighborhood Commercial zone and as a conditionally permitted use in the residential zones. Currently, Article II does not provide for this type of use. To provide flexibility in locating such facilities in the Coastal Zone, this amendment adds Public Safety Facility to the list of uses allowed with a Major Conditional Use Permit in all zones.

5.10 Street Frontage Definition Consistency (MLUDC - Exhibit 1 of Attachment C SECTION 42).

When the MLUDC was adopted by the Board of Supervisors, the sign regulations in effect at the time, which were contained in Article I of Chapter 35, Zoning, of the County Code, were incorporated into the MLUDC under Chapter 35.438 (Sign Standards). Article I defined Street Frontage as “The footage of the property that abuts an improved street or streets open to public use to which the property has access.” However, only the Article IV Zoning Ordinance (the predecessor ordinance to the MLUDC) definition of street frontage (shown directly below) was included in the MLUDC:

Street Frontage. The portion of a property abutting a public or private street.

To correct this oversight this definition is proposed to be amended as shown below to add the additional language from Article I:

Street Frontage. The portion of a property abutting a public or private street, except that when this term is used in Chapter 35.438 (Sign Standards) it shall mean the portion of a property that abuts an improved street or streets open to public use to which the property has access.

5.11 Use Determinations Procedures (Article II - Exhibit 1 of Attachment F SECTION 38).

Currently several zones in Article II provide that in addition to the uses listed as permitted uses in the specific zone districts, the Planning Commission may determine that other uses may be permitted if they are found to be similar in character to uses that are already listed as permitted uses. However, Article II does not contain any procedure for how these determinations are made. This amendment adds the existing MLUDC Use Determination process to Article II which includes noticing and public hearing requirements, and the ability to appeal the decision by the Planning Commission.

5.12 Wastewater Disposal Permit Requirements and Standards for Private Systems (MLUDC - Exhibit 1 of Attachment C SECTIONS 2, 3, 4, 5, 6, 7, 25, 26, 27, 42, 43, 44, 45; Article II - Exhibit 1 of Attachment F SECTIONS 3, 5, 6, 25, 27, 28, 29, 33).

On January 6, 2015, the Board of Supervisors approved the Santa Barbara County Local Agency Management Program (LAMP) that established new County policies regarding onsite wastewater treatment systems (commonly referred to as septic systems) and adopted Ordinance No. 4909 that amended Chapter 18C, Environmental Health Services, of the County Code and established new regulations regarding the design, maintenance and permitting of onsite wastewater treatment systems (OWTS). This action by the Board requires that the zoning ordinances, which are contained in Chapter 35, Zoning, of the County Code, also be amended as described below so that Chapters 18C and 35 are consistent with one another.

- Rename the following terms as currently listed in the allowable uses for the individual zones:

“Wastewater treatment system, individual” is replaced with “Onsite wastewater treatment system, individual, conventional.”

“Wastewater treatment system, individual, alternative” is replaced with “Onsite wastewater treatment system, individual, alternative.”

- Add “Onsite wastewater treatment system, individual, supplemental” as a new use category. Supplemental treatment systems are onsite wastewater treatment systems that utilize engineered designs and/or technology to treat effluent to reduce one or more constituents of concern in wastewater. They may also be referred to as Advanced Treatment Systems or Enhanced Treatment Systems. Examples include sand filters, textile filters, and aerobic treatment units. Composting or incinerating toilets are not included within the definition of supplemental treatment systems.
- Delete the existing provision that allows residential second units located on lots less than two acres in size to be served by an OWTS if soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department as this is no longer allowed by the new regulations. This amendment also requires that a residential second unit proposed to be served by an OWTS shall not be allowed in addition to a principal dwelling on a lot less than two gross acres in size if the principal dwelling is served by or is proposed to be served by an OWTS as the new regulations require a one-acre lot size per dwelling.
- Delete the existing provision that allows residential second units to be served by an OWTS if service by a sanitary district is not available because there is a moratorium on new connections as this is also no longer allowed by the new regulations.
- Add several new definitions consistent with how these terms are defined in Chapter 18C.

5.13 Delete sections of the MLUDC that only apply within the Coastal Zone (MLUDC - Exhibit 1 of Attachment C SECTIONS 7, 9, 10, 11, 14, 15, 21, 22, 29, 35, 36, 37, 38, 39, 41).

The ordinance amending the MLUDC also includes the deletion of sections of the code that only apply within the Coastal Zone since the Article II Coastal Zoning Ordinance continues to be the implementing ordinance of the County’s certified Local Coastal Program. The following lists the sections of the code that are deleted by this amendment:

- Chapter 35.425 Delete Coastal Zone provisions from Special Purpose Zones
- Section 35.428.080 Site Design (SD) Overlay Zone - Coastal Zone
- Section 35.428.090 View Corridor (VC) Overlay Zone - Coastal Zone
- Section 35.430.040 Coastal Trails
- Section 35.430.140 Recreation and Visitor Serving Uses - Coastal Zone
- Section 35.434.050 Agricultural (AG-I) Zone Landscaping Requirements
- Section 35.442.080 Conference Centers - Coastal Zone
- Section 35.442.090 Crematoriums, Funeral Homes and Mortuaries - Coastal Zone
- Section 35.442.180 Temporary Uses - AG-I Zone
- Section 35.450.040 Beach Development - Coastal Zone
- Section 35.450.050 Bluff Development - Coastal Zone
- Section 35.450.060 Shoreline Protection Structures - Coastal Zone

- Section 35.450.070 Tree Removal - Coastal Zone
- Section 35.472.050 Coastal Development Permits
- Section 35.492.060 Appeals to the Coastal Commission

6.0 ENVIRONMENTAL REVIEW

6.1 Case No. 15ORD-00000-00003. The proposed ordinance amendment to the Montecito Land Use and Development Code is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment B, no significant environmental impacts would occur as a result of these ordinance amendments.

6.2 Case No. 15ORD-00000-00004. The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Sections 15061(b)(3) and 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, provides that compliance with CEQA is the responsibility of the California Coastal Commission. Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. As explained further in Attachment E, no significant environmental impacts would occur as a result of these ordinance amendments.

7.0 POLICY CONSISTENCY

The proposed ordinance amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Montecito Community Plan, or the Coastal Land Use Plan, and the adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards. In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan if applicable. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies and the findings required for approval can be made. Therefore, these amendments may be found consistent with the adopted Comprehensive Plan, including the Montecito Community Plan, and the Coastal Land Use Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinances are consistent with the remaining portions of the MLUDC and Article II that would not be revised by these ordinances. In order to approve a development project based on these proposed amendments, it still must be determined that the project is consistent with the whole of the MLUDC and Article II as applicable.

9.0 PROCEDURES

9.1 Montecito Land Use and Development Code: The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

9.2 Article II Coastal Zoning Ordinance: The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the County Planning Commission.

10.0 APPEALS PROCEDURE

Ordinance amendments are legislative acts that require final action by the Board of Supervisors, therefore an appeal of the action of the Montecito Planning Commission is not required.

11.0 ATTACHMENTS

- A. 15ORD-00000-00003 MLUDC Findings
- B. 15ORD-00000-00003 MLUDC Notice of Exemption
- C. 15ORD-00000-00003 MLUDC Resolution and Proposed Ordinance
- D. 15ORD-00000-00004 Article II Findings
- E. 15ORD-00000-00004 Article II Notice of Exemption
- F. 15ORD-00000-00004 Article II Resolution and Proposed Ordinance