

SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
Revised General Package Ordinance Amendments

Hearing Date: August 24, 2011
Staff Report Date: August 17, 2011
Case Nos. 11ORD-00000-00013

Development Services Director: Dianne Black
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Environmental Document: CEQA Guidelines Section 15061(b)(3)

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission reconsider their previous action of April 27, 2011, and adopt a revised recommendation to the Board of Supervisors that the Board of Supervisors adopt a revised ordinance (Case No. 11ORD-00000-00013) 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 35.7, Montecito Planning Permit Procedures, and Division 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00013 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Adopt the findings for approval, including CEQA findings, and recommend that the Board of Supervisors adopt 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 adopt Case No. 11ORD-00000-00013, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

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

3.0 JURISDICTION

This project is being considered by the Montecito Planning Commission based upon Section 65855 of the Government Code and Section 35.494.050 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

This package of amendments to the Montecito LUDC, along with a similar package of amendments to the Article II Coastal Zoning Ordinance, was originally considered by the Montecito Planning Commission at the April 27, 2011 hearing. At this hearing the Montecito Planning Commission reviewed the proposed amendments, took public testimony, and:

- adopted a resolution recommending that the Board of Supervisors adopt the ordinance amendment to the Montecito LUDC (Case No. 11ORD-00000-00013), and
- adopted a resolution recommending that the County Planning Commission adopt a resolution recommending that the Board of Supervisors adopt the ordinance amendment to the Article II Coastal Zoning Ordinance (Case No. 11ORD-00000-00014).

The County Planning Commission made several significant revisions to the proposed amendments to the County LUDC and Article II during their subsequent deliberation on the amendments. Staff is now requesting that the Montecito Planning Commission review the revisions recommended by the County Planning Commission and consider revising the amendments to the Montecito LUDC to better track the language of the amendments to the County LUDC as recommended by the County Planning Commission. The amendment topics that were revised by the County Planning Commission are:

- Land Use Permits expiration periods.
- Motor vehicle and material storage.
- Use of property for special events.

The revisions are discussed in detail in the following section of this staff report. Although the revisions to the Article II ordinance amendment are not proposed to be acted on by the Montecito Planning Commission, any comments regarding Article II ordinance amendment as revised by the County Planning Commission will be transmitted to the Board of Supervisors.

5.0 PROJECT DESCRIPTION

A summary of all of the amendment topics considered by the Montecito Planning Commission on April 27, 2011 is included as Attachment D, and the staff report for the April 27, 2011 hearing is included as Attachment E. The following discussion focuses on the topics that were revised by the County Planning Commission; revised ordinance language is shown in a different font for clarity. The complete text of the ordinance amendment to the Montecito LUDC is contained in Exhibit 1 of Attachment C; in Exhibit 1 proposed deletions of the existing text are shown by striking through the text, and proposed additions are underlined. The amendments to the Montecito LUDC will take effect in the Inland portion of the Montecito Community Plan Area 30 days after the Board of Supervisors adopts the ordinance.

5.1 Land Use Permits expiration periods.

On April 27, 2011, the Montecito Planning Commission recommended that the Montecito LUDC be revised to add (1) a one-year time limit for approved Land Use Permits and (2) the possibility for one, one year time extension for Land Use Permit approvals to match the existing language for Coastal Development Permit approvals. However, during the processing of the same amendment to the County LUDC, staff realized that if the amendment was adopted as recommended, then any existing Land Use Permit that had been approved for over a year would suddenly expire upon the effective date of the ordinance without any notice to the permittees. Therefore, at the request of staff, the County Planning Commission revised the language to add the following text shown as underlined:

The approval or conditional approval of a Land Use Permit shall be valid for 12 months unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions) except that a Land Use Permit approved or conditionally approved and unissued as of [effective date of ordinance] shall be valid for 12 months following [effective date of ordinance] unless a time extension is approved in compliance with Section 35.84.030 (Time Extensions).

Staff is recommending that the Montecito Planning Commission recommend approval of this same revision. See SECTION 10 of Exhibit 1 of Attachment C to for the complete text of the amendment including this new language.

5.2 Exterior storage of motor vehicles and materials.

The recommendation adopted by the Montecito Planning Commission on April 27, 2011 was to add a new section titled “Accessory Storage) to the residential zone standards of the Montecito LUDC that would specifically regulate the use of residentially zoned property for:

- (1) Exterior storage of:
 - building materials and equipment used in construction projects, and
 - miscellaneous materials.
- (2) Dismantling of motor vehicles.
- (3) Exterior parking of motor vehicles.

In their review of similar amendments to the County LUDC, the County Planning Commission requested that staff make significant revisions to the text as originally proposed to address their overall concern regarding the complexity of the language and other more specific concerns which are discussed below.

5.2.2 Exterior storage of building materials and equipment used construction project and miscellaneous materials.

As recommended for approval by the County Planning Commission, the regulations pertaining to the exterior storage of building materials and equipment was included in a separate subsection titled “Accessory storage of materials.”

The language was also revised to clarify that the storage of building materials and equipment used in a construction project, where development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other permit that allows construction activities to occur on several lots, is specifically allowed by the inclusion of the following language:

Construction related to an approved Final Development Plan. The storage of building materials and equipment used in a construction project where concurrent development is occurring on several lots at the same time in compliance with an approved Final Development Plan or other planning permit or building permit that allows construction activities to occur on several lots that are proximate to one another.

In order to be consistent with the existing definition of Junk Yard and the limitations on the storage of junk contained in the definition, the language was also revised to include a new provision (shown as underlined below) that no more than 100 square feet of the allowed exterior storage area may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

Area occupied by stored materials.

- (1) Stored materials shall be limited to the following maximum area, based upon the lot area of the lot.

Lot Area (gross)	Maximum Allowed Area of Storage
Less than 10,000 sq. ft.	300 sq. ft.
10,000 sq. ft. to less than 1 acre	500 sq. ft.
1 acre or larger	1,000 sq. ft.

- (2) No more than 100 square feet of the maximum allowed area of storage shown in the table above may be devoted to the storage of junk, including scrap material, salvage material or used material held for recycling, reuse or resale.

The County Planning Commission was also concerned that the proposed language addressing the screening requirements for the exterior storage of miscellaneous materials, which gave the Director the discretion to modify the screening requirements, would be difficult to implement given that (1) the use of property for exterior storage would be exempt from a planning permit, such that the property owner could initiate the exterior storage and construct the normally required screening without prior review by the Planning and Development Department, and (2) that the property owner should be able to clearly understand what is required for screening, and not be subject to additional requirements if someone were to file a complaint after-the-fact that the screening is insufficient.

Therefore, as revised by the County Planning Commission, the language deleted the text that gave the Director discretion regarding screening, as shown below:

Screening required. Except for stacked, cut firewood for on-site domestic use only, the outdoor storage of miscellaneous materials shall be enclosed within a six-foot high solid wood fence or masonry wall. ~~This requirement may be:~~

- ~~(1) Waived by the Director where the Director determines that the proposed storage area is not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot; or,~~
- ~~(2) Modified by the Director to increase the height of the solid wood or masonry fence where the Director determines that due to the topography of the subject lot and adjacent area a six foot high fence would not adequately screen the proposed storage area from any public road or other area of public use (e.g., park, trail), or any adjoining lot.~~

Staff is recommending that the Montecito Planning Commission recommend approval of this same revision. See SECTION 2 of Exhibit 1 of Attachment C to for the complete text of the amendment including this new language.

5.2.2 Dismantling of motor vehicles.

As recommended for approval by the County Planning Commission, the proposed regulations pertaining to the dismantling of motor vehicles is now included in a separate subsection titled “Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc.” In response to concerns regarding potential negative impacts of allowing vehicle dismantling in residential

zones, the proposed language was also substantially rewritten and expanded to cover motor vehicle assembling, disassembling, modifying, repairing, restoring, servicing, and wrecking in addition to the dismantling of wrecked or abandoned vehicles in order to provide additional protections for surrounding residential areas. As recommended for approval by the County Planning Commission, new requirements were added that would:

- limit vehicles to those that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs
- require that vehicle dismantling occur within a fully enclosed or fully screened structure, and not occur on required parking spaces
- require that any storage of vehicle parts located outside of a fully enclosed or fully screened structure comply with the new requirements for exterior storage in Subsection C. (Accessory storage of materials), and prohibit the storage from occurring on required parking spaces, and
- not allow any work associated with the preparation for sale of vehicles or vehicle parts for sale.

The revised language also provided that (1) that these standards could be modified through the Minor Conditional Use Permit process, and (2) that noncompliance with these standards would be considered a violation of the Development Code following six months from the effective date of this new ordinance.

The following reflects the amendment language as recommended for approval by the County Planning Commission.

Motor vehicle assembly, dismantling, maintenance, repair, restoration, etc. The assembling, disassembling, modifying, repairing, restoration, servicing, wrecking or otherwise working (hereinafter referred to as “work” within the meaning of this Subsection D) on a motor vehicle is allowed only in compliance with the following standards. This Subsection D. shall not apply to occasional minor maintenance such as changing belts, hoses, oil and spark plugs. Nothing in this Subsection D. shall be construed as preventing the enforcement or implementation of the provisions of Chapter 17 (Solid Waste Services) or Chapter 19 (Junk Yards and Dumps) or Chapter 23 (Motor Vehicles and Traffic) of the County Code.

1. Work is restricted to vehicles that are registered with the California Department of Motor Vehicles to a person residing on the lot on which the work occurs. Residing on a lot does not include transient occupancies where the occupancy is for a period of less than 30 days.
2. Vehicle dismantling shall not occur outside of a fully enclosed or fully screened structure and such vehicles shall not be kept, parked or stored outside of a fully enclosed or fully screened structure or on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
3. Any storage of vehicle parts located outside of a fully enclosed or fully screened structure shall be in compliance with Subsection C. (Accessory storage of materials), above, and shall not be located on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
4. Work associated with the preparation for sale of vehicles or vehicle parts for sale is not allowed.

5. **Modifications to standards allowed with a Minor Conditional Use Permit.** Work that does not comply with the standards contained in Subsections D.1 through D.4, above, may be allowed in compliance with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
6. **Noncompliance deemed a violation of this Development Code.** As of [six months from the effective date of these regulations], any motor vehicle assembly, dismantling, maintenance, repair, restoration, etc that does not comply with the standards contained in Subsections D.1 through D.4, above, or is not allowed by a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) as allowed by Subsection D.5, above, shall be considered a violation of this Development Code and subject to enforcement and penalties in compliance with Chapter 35.108 (Enforcement and Penalties).

The recommendation also includes a new definition of “fully enclosed or fully screened structure” to specify what is meant by that term as used in the above language:

Fully enclosed or fully screened structure. A structure, constructed of permanent, solid materials, with a roof that completely covers the structure, doors or gates that are kept closed and latched, and walls that extend from the foundation floor either to the roof of the structure or to a sufficient height such that any contents of the fully enclosed or fully screened structure are not visible when viewed from the outside other than when viewed through a window. A fully enclosed or fully screened structure does not include a carport or other accessory structure that allows the contents therein to be observed from outside the structure other than when viewed through a window. Does not include awnings, fabric shelters, tents and similar structures of a nonpermanent type of construction.

Staff is recommending that the Montecito Planning Commission recommend approval of these same revisions. See SECTIONS 2 and 18 of Exhibit 1 of Attachment C to for the complete text of the amendment including this new language.

5.2.3 Exterior parking of motor vehicles.

As recommended for approval by the County Planning Commission, the regulations pertaining to the exterior parking of motor vehicles was included in a new, separate subsection titled “Exterior Parking” that would be added to the existing regulations regarding parking within residential zones. Additionally, during the County Planning Commission deliberations, concerns were raised that the proposed limitations on the exterior parking of motor vehicles could unduly restrict what would be considered normal parking activities associated with residences that have multiple drivers and thus multiple vehicles that are routinely driven on and off the site. To address this situation the language shown below was recommended for approval by the County Planning Commission. This language would allow for additional exterior parking provided that the number of vehicles was related to the number of legal bedrooms located within the dwelling. This revised language would also allow these vehicles to be parked on driveways located within the required front and side setback areas, and would also limit the size of driveways to typically no more than 50 percent of the street frontage.

Not including the number of vehicles for which parking spaces are required to be provided in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses), the

exterior parking of operative motor vehicles is allowed provided that the number of such vehicles parked on a lot outside of a fully enclosed or fully screened structure does not exceed one per each bedroom located within the dwelling(s) on the lot.

- (1) Parking allowed in compliance with this Subsection K.2.a. may be located on driveways including portions of driveways located within a required front setback or side setback area provided:
 - (a) Any portion of a driveway on which parking occurs shall be paved with a minimum of two inches of asphalt, concrete, or equivalent on a suitable base.
 - (b) The width of any portion of a driveway located in a front setback area shall not exceed 50 percent of the adjacent street frontage for each front setback area except that:
 - (i) A greater width may be allowed if necessary to comply with County or fire protection district regulations.
 - (ii) In all cases a driveway having a maximum width of 10 feet shall be allowed.
 - (c) All parking located within a required front setback shall be located within one contiguous area for each street frontage.

“Paved” includes the use of permeable materials such as concrete pavers and turf block. “Street frontage” is defined as the portion of a property abutting a public or private street.

The County Planning Commission was also concerned that the original proposal, which would have allowed the exterior parking of five motor vehicles for the purpose of maintaining a personal collection was not appropriate for smaller lots. They were also concerned regarding the location of where these vehicles could be parked. To address these concerns the language shown below was recommended for approval by the County Planning Commission

- b. Additional parking allowed.** In addition to exterior parking allowed in compliance with Subsection K.2.a, above, the exterior parking of operative and inoperative motor vehicles that are registered with the California Department of Motor Vehicles to a person(s) residing on the lot on which the parking occurs outside of a fully enclosed or fully screened structure is allowed in compliance with the following standards.
 - (1) The number of vehicles and the area used for the parking of said vehicles shall be limited to the following maximum number and area based upon the lot area of the lot on which the vehicles are parked:

Lot Area (net)	Maximum Allowed Number of Vehicles	Maximum Allowed Parking Area
Less than 10,000 sq. ft.	1	140 sq. ft.
10,000 sq. ft. to less than 20,000 sq. ft.	3	420 sq. ft.
20,000 sq. ft. or larger	5	700 sq. ft.

- (2) Any area used for parking shall be located so that vehicles parked thereon are not visible from any public road or other area of public use (e.g., park, trail), or any adjoining lot.
- (3) On lots having a net lot area of less than 20,000 square feet, vehicles shall not

be parked in any area located between the front line of the lot and the principal dwelling.

Lastly, in response to concerns regarding the potential for negative impacts resulting from the parking of inoperative motor vehicles, the following additional requirements were recommended for approval by the County Planning Commission:

- 3. Additional standards for inoperative motor vehicles. The parking of inoperative motor vehicles outside of a fully enclosed or fully screened structure shall also comply with the following standards in addition to the standards listed in Subsections K.1 and K.2, above:**
 - a. Vehicles shall not be parked on parking spaces required in compliance with Section 35.36.050 (Required Number of Spaces: Residential Uses).
 - b. Any area use for parking shall be designed and installed to prevent the discharge of pollutants onto adjacent lots and adjacent streets.
 - c. Vehicles that are parked for a period in excess of 14 consecutive days without being moved under their own motive power shall be drained of gasoline, oil and other flammable liquids.
 - d. The parking of inoperative motor vehicles regulated under Subsection 35.23.050.D (Motor vehicle assemble, dismantling, maintenance, repair, restoration, etc.) shall also be in compliance with the requirements of that Subsection.

Staff is recommending that the Montecito Planning Commission recommend approval of these same revisions. See SECTIONS 3 and 18 of Exhibit 1 of Attachment C to for the complete text of the amendment including this new language.

Summary of new ordinance language that would apply to parking of motor vehicles.

The following table provides a brief summary of the requirements and restrictions that would apply to the exterior parking of motor vehicles as recommended for approval by the County Planning Commission. The total number of vehicles proposed to be allowed to be parked outside equals the number allowed by each of the three columns when added together. For example, a four bedroom house on a one acre lot potentially could park up to eleven vehicles outside of a fully enclosed or fully screened structure provided all the development standards were complied with. This number includes the following:

Required parking: Typically two spaces per dwelling, must be parked outside of required front and side setback areas, vehicles must be operative.

Exterior parking associated with daily residential use: Four vehicles (one vehicle per legal bedroom), must be parked outside of required front and side setback areas unless located on a driveway, limitations on driveway width, vehicles must be operative.

Exterior parking of personal collection: Five vehicles, must be parked outside of required front and side setback areas, cannot be visible from public streets or other public use areas, may be operative or inoperative, if inoperative additional restrictions apply.

	Parking required by zone	Exterior parking associated with daily use by residents	Exterior parking associated with maintaining a personal collection
Number required/allowed	2 spaces per dwelling unit (typical)	Additional allowance for 1 vehicle per bedroom	Additional 1 to 5 vehicles depending on lot size <ul style="list-style-type: none"> • 1 vehicle for lots less than 10,000 sq. ft. • 3 vehicles for lots 10,000 sq. ft. to less than 20,000 sq. ft. • 5 vehicles for lots 20,000 sq. ft. or larger
Location	Not allowed within front and side setback areas unless located on a driveway	Not allowed within front and side setback areas unless located on a driveway <ul style="list-style-type: none"> • Portions of driveways used for parking must be paved • Width of driveway located within front yard restricted to 50% of adjacent street frontage • Parking within front setback area limited to one contiguous area per street frontage 	<ul style="list-style-type: none"> • Not allowed within front and side setback areas • On lots less than 20,000 s.f., vehicles may not be parked between street and residence • Not visible from public streets or other public use areas
Operational status	Operative	Operative	Operative or inoperative
Screening	None required	None required	Required
Surface material	Pervious or impervious material	Pervious or impervious material	Pervious or impervious material
Other			Inoperative must be drained of fluids if parked in excess of 14 days

5.3 Use of property for special events (temporary uses).

The ordinances discussed at the April 27, 2011 hearing included text amendments aimed at closing a loophole in the existing regulations pertaining to the temporary uses of property that allows property to be rented for use as a reception facility for weddings and similar gatherings without obtaining a Minor Conditional Use Permit (CUP) as would normally be required by the Montecito LUDC. The ordinances sought to close this loophole by specifying that the term “tenant” did not include transient occupancies where the rental of the lot is for a period of less than 30 days.

However, during the discussions by the County Planning Commission on this subject, the County Planning Commission was concerned that simply defining the term “tenant” would not accomplish the goal of eliminating this loophole.

As a result, staff prepared new language that included the following revisions:

- Amend the text (as shown below) of temporary use subsection describing what is meant by “reception facilities” so that the title and description in the subsection the corresponding temporary use type listed in the temporary use tables are all consistent.
 9. **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 that are not included in Subsection F.7 (Public assembly facilities) above.
- Revise the text (as shown below) of temporary use subsection describing what is meant by “charitable and other noncommercial functions” to clarify that in order for a temporary event to qualify as a charitable or other noncommercial function, neither the owner nor the tenant may receive any remuneration associated with the holding the event. Additionally the language is revised to address the use of a portion of the lot and any structures located on the lot.
 4. **Charitable and other noncommercial functions.** The use of a lot or portion thereof, including any structures located on the lot, for charitable and other noncommercial functions where ~~the~~ no owner or tenant of the lot on which the function occurs receives ~~no~~ any remuneration associated with such use, including fundraisers, parties, receptions weddings and other similar gatherings, may be allowed in compliance with the following permit requirements and development standards.
- Revise the table (as shown below) within temporary use subsection that provides the permit requirements for different charitable and other noncommercial functions to clarify that the standards apply to all functions regulated under this subsection and not just charitable functions.

Permit Requirement	Development Standards
Exempt	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions does not exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Exempt	For a lot that is five gross acres or more in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.
Coastal Development Permit or Land Use Permit	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time does not exceed 300.

Coastal Development Permit or Land Use Permit	For a lot that is five gross acres or more in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.
Minor Conditional Use Permit	For a lot that is less than five gross acres in area. Use of the lot for charitable <u>such</u> functions may exceed five times within the same calendar year. The number of persons present at the event at any one time exceeds 300.

- Add the following new language to the subsection to specify that if any tenant rents the lot or any portion thereof for less than 30 days for the purpose of holding a noncommercial function, then the temporary event is required to be permitted as a “Reception and Similar Gathering Facility (commercial)” which would require the approval of a Minor CUP. This would mean that any temporary event where the rental is for less than a 30 day period would not be able to qualify for an exemption from planning permits as a noncommercial function under this Subsection.
 - a. If any tenant rents the lot or portion thereof, including any structures located on the lot, for a period of less than 30 days for a noncommercial function, then an approved applicable permit for a Reception and Similar Gathering Facility (commercial) identified in Tables 4-10 through 4-15, above, and 35.42.260.F.9 (Reception and similar gathering facilities (commercial)) is required in compliance with this Section 35.42.260 and other applicable development standards of this Development Code.

- Add the following new language to the subsection to exempt noncommercial functions from the permit requirements and development standards where the number of persons present at the function at any one time does not exceed 25. The intent of this revision is to exempt very small scale activities that may occur on a more frequent basis than is normally provided for. For example, for lots that are less than five acres in size, the number of functions is normally limited to five per calendar year; this exemption could be used in situations where a homeowner hosts small dinner gatherings on a monthly basis.
 - b. The permit requirements and development standards of this Subsection F.4. do not apply to noncommercial functions where the number of persons present at the function at any one time does not exceed 25.

- Revise the existing definition of “charitable function” as shown below to restrict charitable functions to those that are held by organizations that are registered with the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization. Other charitable functions that are not held by “501(c)(3) nonprofit organizations” may still be allowed if the Director, as provided by Montecito LUDC, determines that other temporary uses may be exempt from permit requirements if the temporary use is similar to those identified as being exempt from permit requirements, and the temporary use does not have the potential to result in an adverse effect on surrounding properties.

Charitable Function. An event or activity ~~whose primary purpose is of a charitable or noncommercial nature~~ that is held by a charitable nonprofit organization that is registered with the federal Internal Revenue Service as an Internal Revenue Code 501(c)(3) nonprofit organization.

There was considerable public testimony at both the August 3rd and August 10th County Planning Commission hearings on this issue. People supporting the revisions argued that they were necessary to protect their neighborhoods from essentially an unregulated commercial use of agriculturally and residentially zoned property. People opposing the revisions were primarily concerned regarding the difficulty and cost in obtaining a Minor CUP, and the potential for detrimental economic impacts to occur if estates and ranches could not be used for weddings, etc.

As a result, the County Planning Commission deleted the revisions regarding special events from the ordinance amendments that they forwarded to the Board of Supervisors, and requested that staff return on October 12, 2011, for further deliberations on the proposed revisions.

Staff is recommending that the Montecito Planning Commission also recommend approval of the ordinance amendment package without the revisions addressing special events. Staff will return to the Montecito Planning Commission following the discussions with the County Planning Commission on October 12th.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment 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. No significant environmental impacts would occur as a result of this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

The proposed amendment does not alter the purpose and intent of any Comprehensive Plan, Coastal Land Use Plan and Montecito Community Plan development standards, and adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan, Coastal Land Use Plan and Montecito Community Plan. The proposed ordinance amendments primarily involve:

- adding and deleting certain types of land uses
- revising existing permit processing procedures
- adding new application requirements
- adding new development standards and restrictions pertaining to specific land uses
- correcting and clarifying existing text provisions.

In order for a development permit to be approved based on this proposed amendment, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, Coastal Land Use Plan and Montecito Community Plan. 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, this amendment may be found consistent with the

adopted Comprehensive Plan, the Local Coastal Program, and the Montecito Community Plan.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the Montecito LUDC that will 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 Montecito LUDC and Article II as applicable.

9.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. 11ORD-00000-00013 Findings
- B. 11ORD-00000-00013 Notice of Exemption
- C. 11ORD-00000-00013 Resolution and Proposed Ordinance
- D. Summary of Ordinance Amendments Previously Recommended for Approval
- E. Montecito Planning Commission Staff Report for April 27, 2011 Hearing