



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 10/04/2011
Placement: Departmental
Estimated Tme: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Development Services Director (805) 568-2086
SUBJECT: General Package Ordinance Amendments

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors consider the recommendations of the County and Montecito Planning Commissions to approve Case Nos. 11ORD-00000-00012, 11ORD-00000-00013 and 11ORD-00000-00014 which would amend, respectively, the County Land Use and Development Code, the Montecito Land Use and Development Code, and the Article II Coastal Zoning Ordinance, to implement a series of amendments that address emerging issues and correct and clarify existing language, and take the following actions:

A. Case No. 11ORD-00000-00012 (County LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment A;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment B; and,
3. Approve Case No. 11ORD-00000-00012, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code included as Attachment C.

B. Case No. 11ORD-00000-00013 (Montecito LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment D;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment E; and,
3. Approve 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 included as Attachment F.

C. Case No. 11ORD-00000-00014 (Article II Coastal Zoning Ordinance Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment G;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment H ; and,
3. Approve Case No. 11ORD-00000-00014, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code included as Attachment I.

Summary Text:

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 to ensure that regulations keep pace with current trends and policies, as well as State Law. In 1997, the County recommitted itself to this cyclical update program.

The proposed amendments contained in this package were suggested for inclusion by review authorities, citizen groups, staff, and other Board of Supervisors’ constituents. The ordinances amending the County Land Use and Development Code (CLUDC) and the Montecito Land Use and Development Code (MLUDC) will take effect outside of the Coastal Zone 30 days after the Board of Supervisors adopts the ordinances. Because the amendment to Article II Coastal Zoning Ordinance constitutes an amendment to the County’s certified Local Coastal Program, the ordinance amending Article II will take effect only after the Coastal Commission acts to give final certification to the amendment.

The following table shows which of the proposed amendments amend the CLUDC, the MLUDC, and Article II.

AMENDMENT TOPIC	APPLICABILITY		
	CLUDC	MLUDC	ART II
1. Abalone shell processing	✓		
2. Animal keeping (household pets)	✓	✓	✓
3. Campground/Recreational Vehicle corrections	✓		
4. CUP/DP phasing procedures	✓	✓	✓
5. Demolition and reclamation plans; Oil drilling and production plan; Oil and gas facilities	✓		✓
6. Indemnification	✓	✓	✓
7. Land Use Permits - include expiration and time extension	✓	✓	✓
8. Micro-breweries/wineries	✓		
9. Modifications not associated with CUPs and DPs	✓	✓	✓
10. Motor Vehicle and Material Storage	✓	✓	✓
11. RSUs - allow in addition to guest houses, etc., in AG-I zone			✓
12. Shopping Center Zone Use Determinations	✓		
13. Substantial Conformity Determinations/Amendments Procedures	✓	✓	✓
14. Surface Mining/Reclamation Plan CUP Clearance Process	✓	✓	
15. Temporary Uses - address short term rental issues	✓	✓	✓
16. Trailers - allow for storage of trailers on residential lots used to haul boats, etc.	✓	✓	✓
17. Wastewater treatment systems - define alternative	✓	✓	✓

A summary of the proposed amendments and their purpose is provided below. Two of the amendment topics that generated substantial discussion at the Planning Commission hearings (#10 - Motor Vehicle and Material Storage, and #15 - Temporary Uses) are discussed in more detail at the conclusion of the following summary descriptions. The complete texts of the ordinance amendments are contained in Attachment C, Attachment F, and Attachment I. In the attachments, proposed deletions are shown by striking through the text and proposed text 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. Text amendments that do not materially change the existing regulations and serve only clarify or correct existing language are not included in this summary. For a more complete analysis, please refer to the County Planning Commission staff reports (Attachments K, L and M) and the Montecito Planning Commission staff reports (Attachments O and P).

1. **Abalone shell processing, CLUDC only** (Attachment C SECTIONS 3, 39): Delete abalone shell processing as a use allowed with a Conditional Use Permit in the AG-II zone.
2. **Animal Keeping, CLUDC** (Attachment C SECTION 10), **MLUDC** (Attachment F SECTION 5), & **Article II** (Attachment I SECTION 7): Allow the keeping of household pets (e.g., domestic birds, cats and dogs) accessory to a residence in zones that allow residential uses but at present do not allow the keeping of any animals.
3. **Campground/Recreational Vehicles CLUDC only** (Attachment C SECTIONS 11, 38): Correct errors made in translating Article III into the CLUDC that inappropriately applied certain development standards to recreational facilities and restricted the use of recreational vehicles.
4. **Conditional Use Permits and Development Plans phasing agreements CLUDC** (Attachment C SECTIONS 19, 20), **MLUDC** (Attachment F SECTIONS 8, 9), & **Article II** (Attachment I SECTIONS 14, 16): Include procedures to allow the adoption of phasing plans for projects allowed by Conditional Use Permits and Development Plans where it is expected that project development will occur over several years and that the normal time allowed to complete the development prior to permit expiration could be insufficient.
5. **Demolition and Reclamation Permits, Oil Drilling and Production Plans, Oil and Gas Facilities, Inland area CLUDC** (Attachment C SECTIONS 15, 16, 33) & **Article II** (Attachment I SECTIONS 11, 12, 13): Provide that the Zoning Administrator is the review authority for demolition and reclamation permits that may be appealed to the Coastal Commission and include processing requirements; allow revisions to approved Demolition and Reclamation Permits through the Substantial Conformity and Amendment processes; allow the use of a Zoning Clearance to allow the development of oil and gas facilities approved by either a Conditional Use Permit or Development Plan.
6. **Indemnification agreements, CLUDC** (Attachment C SECTION 18), **MLUDC** (Attachment F SECTION 7), & **Article II** (Attachment I SECTION 1): Provide the authority within the zoning ordinances for the County to require the submittal of a “defense and indemnification agreement” acceptable by the County as part of an application for a planning permit.
7. **Land Use Permits expiration periods, CLUDC** (Attachment C SECTIONS 21, 28), **MLUDC** (Attachment F SECTIONS 10, 14), & **Article II** (Attachment I SECTION 18). Include a one-year permit expiration and time extension procedures for approved Land Use Permits consistent with existing permit expiration and time extension procedures for approved Coastal Development Permits. The language of the amendment provides that for existing, approved Land Use Permits the one-year permit expiration commences upon the effective date of the amendment (30 days after approval by the Board of Supervisors).
8. **Micro-breweries/wineries, CLUDC only** (Attachment C SECTION 6): Allow bars and restaurants to include beer brewing and wine making as a permitted, accessory use.

9. **Modifications not associated with Conditional Use Permits and Development Plans, CLUDC** (Attachment C SECTION 23), **MLUDC** (Attachment F SECTION 12), & **Article II** (Attachment I SECTION 20): Add a “waived hearing process” for applications for modifications to zone development standards that would normally be under the jurisdiction of the Zoning Administrator and are not likely to generate any controversy.
10. **Motor vehicle storage and material storage, CLUDC** (Attachment C SECTIONS 4, 5, 8, 40), **MLUDC** (Attachment F SECTIONS 2, 3, 17, 18), & **Article II** (Attachment I SECTIONS 4, 8): This amendment provides requirements to regulate (1) the exterior storage of building materials and equipment used in construction projects, and other miscellaneous materials, (2) the dismantling of motor vehicles, and (3) the parking of motor vehicles outside of a structure. Additional discussion is provided below.
11. **Residential second units, Article II only** (Attachment I SECTION 6): Allow residential second units in addition to a farm employee dwellings on lots zoned AG-I to correct an oversight made during the processing of amendments regarding the permitting of residential second units in December 2003.
12. **Shopping Center Zone Use Determinations CLUDC only** (Attachment F SECTIONS 1, 7, 17, 26, 27): Shift the jurisdiction from the Planning Commission to the Director regarding allowing additional permitted uses within established shopping centers
13. **Substantial Conformity Determinations/Amendments Procedures, CLUDC** (Attachment C SECTION 36), **MLUDC** (Attachment F SECTIONS 15, 16), & **Article II** (Attachment I SECTIONS 15, 17): Add procedures addressing the processing of applications for Substantial Conformity Determinations and Amendments that follow the approval of Conditional Use Permits and Final Development Plans.
14. **Surface Mining/Reclamation Plan CUP Clearance Process, CLUDC** (Attachment C SECTION 24), & **MLUDC** (Attachment F SECTION 13): Change the permit requirement following the approval of a Conditional Use Permit for surface mining and reclamation from a Land Use Permit to a Zoning Clearance consistent with how all other Conditional Use Permits are treated.
15. **Temporary uses (special events), CLUDC** (Attachment C Deleted SECTIONS 12, 13) & **Article II** (Attachment I Deleted SECTIONS 6, 7, 8): Close a loophole in the existing regulations that allows property to be rented for use as a reception facility for weddings and similar gatherings without obtaining a minor Conditional Use Permit that would normally be required. Additional discussion is provided below.
16. **Trailers, CLUDC** (Attachment C SECTIONS 12, 38), **MLUDC** (Attachment F SECTIONS 6, 17), & **Article II** (Attachment I SECTIONS 2, 5): Allow the storage of trailers used for hauling watercraft and materials in addition to trailers used for human habitation (e.g., recreational vehicles) on residentially zone lots.
17. **Wastewater treatment systems, CLUDC** (Attachment C SECTIONS 2, 40), **MLUDC** (Attachment F SECTIONS 1, 18), & **Article II** (Attachment I SECTIONS 3, 10). Define alternative wastewater treatment systems consistent with how they are treated by the County Public Health Department.

Motor vehicle storage and material storage.

As summarized above, this amendment provides requirements to regulate (1) the exterior storage of building materials and equipment used in construction projects, and other miscellaneous materials, (2) the dismantling of motor vehicles, and (3) the parking of motor vehicles outside of a structure. The regulations include development standards that are designed to minimize the potential for neighboring properties to be negatively impacted by these activities. The proposed amendments also provide that

the development standards may be modified through a minor Conditional Use Permit, and that if after six months from the effective date of the amendments these standards are not complied with, then the property is considered to be in violation of the zoning ordinances and subject to enforcement and penalties if a complaint is filed with the Planning and Development Department.

This amendment was proposed by Planning and Development Department staff in response to several complaints from County residents regarding properties that are used to store (1) large numbers of motor vehicles in various states of repair and (2) large quantities of miscellaneous materials and junk.

The County Planning Commission spent a great amount of time discussing the regulations as originally proposed by the Planning and Development Department, especially in regards to the parking of motor vehicles, and substantially revised the proposed regulations during that process.

The following table summarizes the proposed regulations that would apply to the exterior parking of motor vehicles. 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 15,000 square foot lot potentially could park up to seven vehicles outside of a fully enclosed or fully screened structure provided all the development standards were complied with. The Montecito Planning Commission recommended approval of similar regulations except that they reduced the number of vehicles allowed in the third column to a maximum of three.

	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
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

Temporary uses (special events)

The proposed amendments originally discussed with the County and Montecito Planning Commissions included revisions aimed at closing a loophole in the existing regulations addressing 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 that would normally be required. The Montecito Planning Commission, at their first hearing on the amendments on April 27, 2011, originally, recommended that the Board of Supervisors adopt the proposed amendment. However, the County Planning Commission was concerned that the language as originally proposed may not accomplish the goal of eliminating this loophole. As a result, staff presented revised language at the July 6, 2011 County Planning Commission hearing. At this hearing, and at subsequent hearings on August 3rd and August 10th, the County Planning Commission heard from a number of people representing both the special events industry as well as concerned neighbors. The County Planning Commission chose not to forward a recommendation to the Board of Supervisors at this time and instead scheduled a hearing for October 12, 2011 to continue their deliberations on the issue. The Montecito Planning Commission on August 27, 2011, amended their previous recommendation to the Board of Supervisors by deleting the proposed revision regarding temporary uses from proposed amendment.

Please refer to the County and Montecito Planning Commission staff reports (Attachments K, L, M, O and P) for a detailed description of the special events ordinance considerations.

Planning Commission Action.

The County Planning Commission considered these amendments at their May 4, July 6, August 3 and August 10, 2011 public hearings. At the conclusion of the August 10th hearing, by a unanimous vote, they adopted a resolution recommending that the Board of Supervisors adopt the proposed ordinance amendments to the County Land Use and Development Code and the Article II Coastal Zoning Ordinance.

The Montecito Planning Commission considered these amendments at their April 27, 2011 hearing. At the conclusion of the hearing, by a unanimous vote, they adopted a resolution recommending that the Board of Supervisors adopt the proposed ordinance amendment to the Montecito Land Use and Development Code. However, because the County Planning Commission (1) significantly revised the proposed amendments regarding motor vehicle storage and material storage and (2) did not include the revisions regarding the use of property for temporary uses (special events), on August 24, 2011 the Montecito Planning Commission re-considered the amendments to the Montecito Land Use and Development Code as revised to reflect the revisions made to the County Land Use and Development Code amendment. At this hearing, by a vote of three to zero (two Commissioners were absent), they adopted a resolution recommending that the Board of Supervisors approve the revised ordinance amendment to the Montecito Land Use and Development Code.

Performance Measures:

N/A.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Administration Division on page D-308 of the adopted Planning and Development Department's budget for fiscal year 2011-2012.

Special Instructions:

The Clerk of the Board shall send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

Case No. 11ORD-00000-00012, County LUDC Amendment

- A. Findings
- B. CEQA Notice of Exemption
- C. Ordinance Amendment (showing proposed revisions)

Case No. 11ORD-00000-00013, Montecito LUDC Amendment)

- D. Findings
- E. CEQA Notice of Exemption
- F. Ordinance Amendment (showing proposed revisions)

Case No. 11ORD-00000-00014, Article II Coastal Zoning Ordinance Amendment

- G. Findings
- H. CEQA Notice of Exemption
- I. Ordinance Amendment (showing proposed revisions)

County Planning Commission Resolution and Staff Reports

- J. Resolution 11-12 (County LUDC) and 11-13 (Article II)
- K. Staff Report dated April 21, 2011 (w/o attachments)
- L. Staff Report (memo) dated June 29, 2011 (w/o attachments)
- M. Staff Report (memo) dated July 27, 2011 (w/o attachments)

Montecito Planning Commission Resolution and Staff Reports

- N. Resolution 11-15
- O. Staff Report dated April 11, 2011 (w/o attachments)
- P. Staff Report (memo) dated August 17, 2011 (w/o attachments)

Authored by:

Noel Langle, Planner (805.568.2067)