

ATTACHMENT D: CASE NO. 12ORD-00000-00003 FINDINGS

TEMPORARY USES (SPECIAL EVENTS) ORDINANCE AMENDMENT

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1** The Board of Supervisors finds that the proposed project, 12ORD-00000-00003, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment E, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code, the Board of Supervisors shall make the following findings in order to approve a text amendment to the Montecito LUDC:

2.1 The request is in the interests of the general community welfare.

The proposed ordinance amendment is in the interest of the general community welfare since the amendment will serve to revise and update the development permit process without compromising community values, environmental quality, or the public health and safety. The ordinance amendment will revise the existing permit procedures regarding the permitting of temporary uses (special events) to add new development standards and restrictions pertaining to specific special events that will serve to minimize the potential adverse impacts to surrounding neighbors to occur as a result of these events.

The ordinance amendment specifies that charitable and other noncommercial events, including weddings and similar gatherings, that are exempt from a planning permit as accessory and incidental uses do not include events that are associated with short-term rentals of agriculturally and residentially zoned property. The intent of the ordinance amendment is to further specify when events are considered accessory and incidental to the primary use of the property (typically agricultural or residential) in order to maintain the character of the zone.

The Montecito Land Use and Development Code already recognizes that commercial events on agriculturally or residentially zoned property require more careful review under a discretionary permit to ensure that the character of the zone is maintained. Maintenance of the character of agriculturally or residential zones are proper purposes of zoning, and such character is threatened when properties occupied by a stream of transient tenants staying for a short period of time are used not for agricultural or residential purposes but instead are temporarily used to hold special events. The transient/short-term commercial uses of agricultural or residential property to hold special events are non-agricultural or non-residential uses that have an increasing deleterious impact on an agricultural or residential zone.

The purpose of an agricultural or residential zone is to provide appropriately zoned land areas within the County for permanent agricultural or residential uses and structures and to enhance and maintain the agricultural or residential character of the County. The use of agricultural or residential property for events associated with short-term rental of properties is a commercial use that is inconsistent with the purpose of the agricultural or residential zone. The proliferation of such events can easily overwhelm the agricultural or residential character of the zone due to the economic incentive for property owners to rent their property for events. Charitable and noncommercial events not associated with short-term rentals are treated differently because

they are self-limiting as there is no economic incentive to hold such events. Further, such unregulated commercial use creates unmitigable, adverse impacts including increased levels of vehicle traffic, parking demand, light and glare, and noise that are detrimental to the surrounding uses and the general welfare of the County, and also increases the demand for public services including police, fire and emergency medical services. Limiting the transient commercial use of property for remuneration in agricultural or residential zones addresses these purposes.

As a result of the adoption of the proposed ordinance the County will also be better able to enforce the permit requirements and development standards that apply to temporary uses which will help maintain the character of the agriculturally or residentially zoned lot.

2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Montecito Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Adoption of the proposed ordinance will provide more effective implementation of the State planning and zoning laws by providing a clearer and more efficient permit process that will benefit the public. The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance serves to provide greater specificity to the standards that regulate the use of property for temporary events that were found to be consistent with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan when initially adopted by the County in 2004. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito Land Use and Development Code that would not be revised by this ordinance. Therefore, this ordinance may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito Land Use and Development Code.

The proposed ordinance does not involve an amendment to the Local Coastal Program.

2.3 The request is consistent with good zoning and planning practices.

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. It will provide for clearer permit processes and add new development standards and restrictions pertaining to the use of property for special events that will serve to minimize potential adverse impacts to the surrounding neighbors. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito Land Use and Development Code.