



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commissioners

FROM: Noel Langle, Planner

DATE: October 9, 2012

RE: October 17, 2012 continued hearing on 12ORD-00000-00002 and -00004; Temporary Uses (Special Events) Ordinance Amendments

At the last hearing on September 5, 2012 regarding the Temporary Uses (Special Events) Ordinance Amendments, Planning and Development Department staff presented the following three options for your Commission's consideration regarding how to proceed with developing ordinance amendments that would revise the existing regulations governing temporary use of property for special events:

- Option 1: Maintain the distinction between commercial and noncommercial events.
- Option 2: Do not distinguish between commercial and noncommercial events, and instead allow fixed number of events based on zoning.
- Option 3: Do not distinguish between commercial and noncommercial events, and instead allow fixed number of events based on lot size.

Following staff's presentation, your Commission took public testimony, and individual Commissioners provided comments regarding potential revisions to the amendments. These comments are summarized below:

- There should be a fixed number of events that relate to the size of the lot, except that the number of events on very large lots (e.g., 1,000 acres) should not be limited.
- The number and size of events should distinguish between urban and rural areas.
- The permit process cost and time needs to be reasonable, especially for smaller lots hosting smaller events.
- The number of days that an event can span should be limited.
- The allowed number of attendees should be the cumulative number allowed in any one event day.
- There should be no distinction between commercial versus noncommercial (charitable) events; however, short term rentals should be addressed, and perhaps regulated differently.
- Signage should be regulated, e.g., where allowed, how long allowed?
- Small lots (e.g., lots less than 20,000 square feet) should at least have a permit path available in order to hold events.
- Hosting special events should not be allowed to supplant agricultural uses of property.

Your Commission then continued the hearing to October 17, 2012.

Based on your comments regarding the material presented below, staff will develop revised ordinances and return to your Commission following review by the Montecito Planning Commission.

1.0 Background.

The following tables illustrate the existing regulations regarding the number of events allowed per year and the number of attendees allowed at an event based on the size of the property on which the event occurs.

Lots less than five acres

Event Type	Permit Requirement	Number Allowed per Year	Maximum Number of Attendees
Charitable/Noncommercial	Exempt	5	300 (1)
Charitable/Noncommercial	Land Use Permit	More than 5	300 (1)
Commercial	Minor Conditional Use Permit	Not limited; determined by permit	Not limited; determined by permit

Notes:

(1) More than 300 attendees may be allowed with a Minor Conditional Use Permit.

Lots five acres and larger

Event Type	Permit Requirement	Number Allowed per Year	Maximum Number of Attendees
Charitable/Noncommercial	Exempt	Not limited	300 (1)
Commercial	Minor Conditional Use Permit	Not limited; determined by permit	Not limited; determined by permit

Notes:

(1) More than 300 attendees may be allowed with a Land Use Permit.

2.0 Options.

The following options are presented for your consideration.

2.1 Option 1: Maintain existing regulations for charitable and other noncommercial events, retain the existing distinction between commercial and noncommercial events, and specifically address events associated with short-term rentals.

This option, which was presented at the September 5th hearing, focuses on the original intent of this amendment which was to specify that special events associated with the short-term rental of property are not noncommercial events and therefore are not exempt from permits. This option would also maintain these existing permit requirements and standards relating to lot size, frequency of events, and allowed number of attendees listed in the tables included on page 1 of this memorandum.

In order to specifically address events associated with short-term rentals, the following language, which was previously proposed, would be included in the amendment:

- Add a “purpose and intent statement” specifying that the purpose and intent of the regulations regarding charitable and other noncommercial events is to allow private property to be used for such events as a use that is accessory, ancillary and incidental to the residential use of the property, and that the intent is to not allow events associated with the short-term rental (30 days or less) of property as charitable or other noncommercial events.

- Add a requirement that prior to commencement of any event associated with the short-term rental of property that a permit for a commercial reception facility (either a Minor Conditional Use Permit or a Special Events Use Permit) is first approved.
- Add the new permit type Special Event Use Permit (SEUP) as discussed at previous hearings but limit the number of commercial events that can be allowed with a SEUP to one event per permit.

Additionally, to address the situation of homeowners on lots less than five acres hosting small noncommercial, private gatherings of family and friends on a more regular basis than the current limit of five times per year, the following language would be added to specify that the permit requirements and operational standards do not apply to charitable and other noncommercial events where the total number of attendees at the event, not including event staff, is 75 or fewer.

New definitions would also be included as necessary to clarify certain terms (e.g., event, charitable).

2.2 Option 2: Do not distinguish between commercial and noncommercial events, and instead allow fixed number of events based on lot size.

This option does not distinguish between commercial and noncommercial events, and instead would (1) allow a limited number of events based on the size of the lot the event is located on, and (2) provide a permit path to allow additional events and/or higher numbers of event attendees. The table on the following page shows one possible scenario. This option is similar to Option 3 that was presented at the September 5th hearing, but is different in the following areas:

- Similar to former Option 3, this assumes that an event is defined to only include gatherings where the total number of attendees exceeds 50 on lots of less than 20,000 square feet, or 75 if the lot is 20,000 square feet or greater; however, unlike that previous options, a lot of less than 20,000 square feet could hold two special events with more than 50 attendees within a year provided the number of attendees did not exceed 150 and subject to the approval of a ministerial Land Use Permit (Coastal Development Permit within the Coastal Zone).
- Former Option 3 contained a limited number of lot size ranges that determined the number of events allowed per year:

Lot Size	Permit	Maximum # Attendees	# Events per Calendar Year	Additional Events or Attendees
Less than 20,000 sq. ft.	n/a	Greater than 50	None	n/a
20,000 sq. ft. or greater, but less than 5 acres	Exempt	150	3	Minor Conditional Use Permit
5 acres or greater, but less than 40 acres	Exempt	300	3	Special Event Use Permit
40 acres or greater	Exempt	300	6	Special Event Use Permit

This new Option 2 contains additional lot size ranges as shown in the table on the following page. This has the benefit of being of more closely tying the allowed number of events with the potential ability of the lot to hold events without negatively impacting neighbors, as well as providing different standards for urban and small agricultural lots versus larger, more rural agricultural lots. Under the Comprehensive Plan, the Rural Areas require a minimum lot size of 40 acres, which would include the last two rows in the table, and the Urban Areas and Inner-Rural Areas (which are located adjacent to Urban Areas) have a minimum lot area requirement of less than 40 acres which includes the first four rows.

Property Size	Permit	# Events per Calendar Year	Maximum # Attendees	Additional Events or Attendees
Less than 20,000 sq. ft.	Exempt	0	n/a	
	CDP/LUP	2 (1)	150	
Greater than 20,000 sq. ft. but less than 1 acre	Exempt	3	150	The maximum number of attendees may be increased to 300 with a CDP/LUP (1).
	SEUP	1 (1)	300	
1 acre or greater, but less than 5 acres	Exempt	3 (2)	200	The maximum number of attendees at an otherwise exempt event may be increased to 400 with a CDP/LUP (1).
	SEUP	2 (1)	400	
5 acres or greater, but less than 40 acres	Exempt	3 (2)	300	The maximum number of attendees at an otherwise exempt event may be increased to 450 with a CDP/LUP (1). Additional events or a greater number of attendees may be allowed with a MCUP.
	SEUP	3 (1)	450	
40 acres or greater, but less than 100 acres	Exempt	6 (2)	300	The maximum number of attendees at an otherwise exempt event may be increased to 450 with a CDP/LUP (1). Additional events or a greater number of attendees may be allowed with a MCUP.
	SEUP	3 (1)	450	
100 acres or greater	Exempt	9 (2)	450	The maximum number of attendees at an otherwise exempt event may be increased to 600 with a CDP/LUP (1). Additional events or a greater number of attendees may be allowed with a MCUP.
	SEUP	3 (1)	600	

Notes:

- (1) One event per CDP/LUP or SEUP.
- (2) One additional event may be allowed if it qualifies as a charitable fundraiser.

Key: CDP - Coastal Development Permit; LUP - Land Use Permit; MCUP - Minor Conditional Use Permit; SEUP - Special Event Use Permit

For the purposes of this table Property Size means the total area of the premises (contiguous lots under one ownership) on which the event occurs. Also, this table assumes that gatherings with 50 or fewer total attendees on lots less than 20,000 square feet, and gatherings with 75 or fewer total attendees on lots 20,000 square feet and greater, are not subject to the limitation on the number of events per calendar year.

This option could also include additional operational standards that would help ensure that events would not have a negative impact on neighbors, including addressing such potential nuisance factors as event duration and hours of operation, lighting, parking, safety and traffic, and sound.

2.3 Agricultural Advisory Committee:

On October 3, 2012 Department staff reviewed the status of the ordinance amendments and the three options presented to your Commission at the last hearing with the Agricultural Advisory Committee. Following staff's presentation, and questions and comments by the Committee members and members of the audience, the Committee approved two motions:

Motion 1: Forward the draft ordinance prepared by the Cattlemen's Association regarding special event regulations applicable on agriculturally zoned lands for review and inclusion in the County zoning ordinances.

Motion 2: Request that the County Planning Commission schedule a joint workshop with the Agricultural Advisory Committee to discuss special event regulations for agriculturally zoned lands.

The following provides a brief summary of the Cattlemen's Association proposal which is included with this memorandum as Attachment A. In general, these regulations do not distinguish between commercial and noncommercial events, and do not limit the number of events allowed per year provided that the events comply with a set of standards that address dust generation, lighting, noise, parking and traffic. As used in the following paragraphs, the term "premises" refers to the parcel or parcels upon which event activities (including people gathering, parking areas, sanitary facilities, catering set-up areas, and other areas directly related to the event, but not public roads or access roads shared with other property owners) are conducted, and all other parcels owned, leased or otherwise controlled by the owner or operator of the parcel or parcels upon which the event activities are conducted. Attendee limits are based on the total guests in attendance at any one time.

- A. Purpose and intent.** To provide for event uses that are incidental to both the primary use of the land, which shall be agricultural production, and the secondary residential use of the land, and to require that all event activities shall be incidental to the primary agricultural use of the land and shall not displace or impede agricultural activities on the land.
- B. Applicability.** The regulations would only apply to land that has an agricultural zone designation. Additionally, on land that has an agricultural zone designation the regulations would not apply to (1) any individual or group bicycling, horseback riding, or walking, jogging, running, and hiking activities, which shall be exempt from regulation regardless of the number of participants, and (2) events where 75 or fewer total guests are in attendance at any one time.
- C. Permit requirements.** Events that comply with the requirements are exempt from planning permits unless specifically required.
- D. General requirements applicable to all events subject to the regulations.** For any event allowed by the regulations events, the landowner or occupant hosting or allowing the event to occur shall ensure that all of the following general requirements are complied with throughout the event:
 - 1. Dust.** Any dust generated by event activities shall not be allowed to travel beyond the perimeter of the event premises.
 - 2. Lighting:** Any lighting must conform with criteria that limits the amount of light generated by the event in order to protect and promote public health, safety and welfare, the quality of life, the ability to view the night sky and control light shining from a parcel onto neighboring. These standards include addressing the amount of light generated by the fixture, fixture design, height, and orientation. The regulations also (1) provide that exceptions and relaxations of the lighting standards are allowed if, without the exceptions and relaxations, because of conditions peculiar to the property and not the result of the actions of the owner or operator of the premises, strict application of the regulations would result in unnecessary and undue hardship or compromise the health, safety and welfare of the attendees of the event and (2) that vehicular lights and all temporary emergency lighting required by fire and police departments, and other emergency service, are exempt from the regulations.

3. **Noise:** Noise levels generated by the event shall not exceed levels of 75 decibels between 8:00 a.m. and 10:00 p.m., and 60 decibels between 10:00 p.m. and 8:00 a.m. measured at any property line located at the perimeter of the event premises that is shared with a parcel upon which a residence is located, or within 1,500 feet of a residence, owned or controlled by a third party other than the owner or operator of the event premises.
4. **Notice:** Notice is required to be provided to (1) all neighboring properties located within one-half mile of the portion(s) of the property where the event activities will occur no later than seven days prior to the commencement of the event, and (2) all property owners whose lands abut a public road serving, and are located within one mile of, any entrance road used to access the event by guests or staff. Information provided in the notice includes the date and time of the event and an operating telephone number that neighbors can use to reach the event sponsor during and at least one week following the event to advise of any problems or complaints associated with the event.
5. **Parking:** For events that include the shuttling of guests from off-site parking areas, the off-site parking may be provided in public parking lots, private parking lots associated with institutions (e.g., churches, schools), and residentially and agriculturally zoned property subject to dust control requirements, hours of operation, and setbacks from adjacent residences. Use of private property requires the consent of the owner or lessee of the property.

E. **Specific requirements applicable to events based on the size of the event premises.** The proposal also includes specific requirements for events that relate to the size of the premises and the number of attendees at the events. These include requirements address the location of parking areas, separation between event activities and property lines, provision of traffic monitors to prevent congestion and stacking of vehicles on public roads or private access roads shared with property owners other than the owner of the event site. For events that either exceed the limits on the number of attendees or cannot comply with the operational standards, the proposal provides that the applicant may apply to the Director of the Planning and Development Department for a Special Events Use Permit, and that if the Director is unable to approve the Special Events Use Permit that the applicant may apply for a Minor Conditional Use Permit for the proposed event(s). However, the proposal includes that the approval or approval with conditions of the Special Events Use Permit shall not be appealable by any party, including the applicant.

Attachments:

Cattlemen's Association Draft Proposed Provisions of Special Events (Temporary Uses)
Ordinance Applicable in Agriculturally Zoned Lands