

ATTACHMENT D: CASE NO. 13ORD-00000-00003 FINDINGS

MONTECITO LAND USE AND DEVELOPMENT CODE COTTAGE FOOD OPERATIONS ORDINANCE AMENDMENT

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 13ORD-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 following findings shall be made by the Montecito Planning Commission in order to recommend approval of a text amendment to the Montecito LUDC, and 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 implement the requirements of State law regarding allowing cottage food operations within dwellings in a manner that ensures that the cottage food operation, which is a commercial operation, is accessory and incidental to the primary use of the dwelling as a residence such that the cottage food operation is compatible with the surrounding neighborhood. The proposed ordinance also specifies that the existing permit requirements for home occupations applies to in-home retail sales so that is clear that this commercial activity is regulated as a home occupation and is subject to the development standards that are designed to ensure compatibility with the surrounding neighborhood.

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 is consistent with the State planning and zoning laws in that it will implement the requirements of State law regarding cottage food operations by providing a simple and 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 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 provides clear permit processes and development standards that apply to the use of dwellings for cottage food operations as required by State law such that the potential for adverse impacts to properties in the neighborhood will be minimized. It also specifies that the existing permit requirements for home occupations applies to in-home retail sales so that is clear that this commercial activity is regulated as a home occupation and is subject to the development standards that are designed to ensure compatibility with the surrounding neighborhood. 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.