

ATTACHMENT 5: MLUDC FINDINGS FOR APPROVAL

Case No. 19ORD-00000-00004

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that the proposed project, Case No. 19ORD-00000-00004, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 9, Notice of Exemption.

1.2 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED

The Board of Supervisors finds that the previous environmental document prepared for the commercial telecommunications facilities ordinance amendments, 97-ND-02 and Addendum dated March 4, 2011, may be used to fulfill the environmental review requirements for this project, that portion of Case No. 19ORD-00000-00004 amending the commercial telecommunications facilities section of the Montecito Land Use and Development Code (Section 35.444.010). The project is a modification of the project reviewed in the previously adopted environmental document. The project modification will not substantially change the project or the circumstances under which the project will be undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project, as noted in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report dated October 9, 2019, both herein incorporated by reference. Therefore, the Board of Supervisors finds that no new CEQA document is required and that the project modification does not trigger subsequent environmental review under State CEQA Guidelines Section 15162. Projects subject to discretionary permits will be required to comply with CEQA, as applicable to the specific project proposed.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENTS TO THE COMPREHENSIVE PLAN, DEVELOPMENT CODE AND COUNTY ZONING MAP FINDINGS

Findings required for all Comprehensive Plan, Development Code, and the Zoning Map Amendments. In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an Amendment to the Comprehensive Plan, Development Code, or Zoning Map, the review authority shall first make all of the following findings, in order to approve a text amendment to the Montecito Land Use and Development Code as applicable:

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

As discussed in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report, dated October 9, 2019, both herein incorporated by reference, the ordinance amendment is in the interests of the general community welfare since the amendment will serve to (1) clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) update existing

regulations to better conform to the requirements of State and federal law, and (4) correct and clarify existing text provisions.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.

Adoption of the proposed ordinance, as discussed in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report dated October 9, 2019, both herein incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the Montecito Land Use and Development Code to be consistent with State and federal regulations and provide clear and efficient permit processes 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 is 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.

2.1.3 The request is consistent with good zoning and planning practice.

The proposed ordinance, as discussed in the Board Agenda Letter dated December 10, 2019, and Montecito Planning Commission staff report dated October 9, 2019, both herein incorporated by reference, is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment since it will revise the Montecito Land Use and Development Code to be consistent with State and federal regulations, and provide for clearer and more efficient permit processes. As discussed in Finding 2.1.2, above, the amendment is consistent with the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code.