

ATTACHMENT 1: FINDINGS FOR APPROVAL

CASE NOS. 16ORD-00000-00014, 16ORD-00000-00015, and 16ORD-00000-00016

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 Case No. 16ORD-00000-00014.** The Board of Supervisors, after considering the recommendation of the County Planning Commission, finds that the proposed amendment to the Santa Barbara County Land Use and Development Code (LUDC) (Case No. 16ORD-00000-00014), is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h).
- 1.1.2 Case No. 16ORD-00000-00015.** The Board of Supervisors, after considering the recommendation of the Montecito Planning Commission, finds that the proposed amendment to the Montecito Land Use and Development Code (MLUDC) (Case No. 16ORD-00000-00015), is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h).
- 1.1.3 Case No. 16ORD-00000-00016.** The Board of Supervisors, after considering the recommendations of the Montecito and County Planning Commissions, finds that the proposed amendment to Article II, the Coastal Zoning Ordinance (Article II) (Case No. 16ORD-00000-00016), is exempt from environmental review pursuant to CEQA Guidelines Sections 15265 and 15282(h).

Please see Attachment 2, Notice of Exemption, for further information.

2.0 ADMINISTRATIVE FINDINGS

In compliance with LUDC Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments), MLUDC Section 35.494.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments), and Article II Section 35-180.6, the Board of Supervisors shall make the following findings in order to approve a text amendment to the LUDC, MLUDC, and Article II:

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

The proposed ADU ordinance amendments are in the interest of the general community welfare since the amendments will revise the LUDC, MLUDC, and Article II to (1) be consistent with Government Code Section 65852.2 regarding the permitting of accessory dwelling units (ADUs), (2) implement Government Code Section 65852.2, the purpose of which is to increase the supply of housing units within California, (3) clarify the ADU requirements, which will in turn contribute to an efficient permit process for ADUs in compliance with State law, and (4) implements Program 1.4 of the County's Housing Element that encourages the development of housing unit types that are affordable by design.

2.2 **The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, the County Land Use and Development Code, the Montecito Land Use and Development Code, and Article II, the Coastal Zoning Ordinance.**

Adoption of the proposed ADU ordinance amendments will provide more effective implementation of the State planning and zoning laws by revising the LUDC, MLUDC, and Article II to be consistent with Government Code Section 65852.2 regarding the permitting of ADUs.

In order for County decision-makers to approve an ADU permit based on the proposed amendments, the decision-makers would need to determine that the project is consistent with the policies and development standards of the Comprehensive Plan, including applicable community and area plans, and the Coastal Land Use Plan. As part of this process, Planning and Development staff would perform a policy consistency analysis during the review of the application, and County decision-makers would typically not approve the ADU permit unless they can determine it is consistent with applicable policies and the findings required for approval.

However, certain exceptions in State law affect this consistency analysis. In the Inland Area, the County must consider ADU applications in accordance with Government Code Section 65852.2(a)(5), which states: “No other local ordinance, policy, or regulation shall be the basis for the denial of a building or use permit.” Therefore, if this analysis identifies a policy inconsistency that cannot be overcome through project redesign (e.g., moving a detached ADU further away from a designated environmentally sensitive habitat area), then this inconsistency cannot be used as the basis for denial of an ADU application.

In the Coastal Zone, the County must consider ADU applications pursuant to Government Code Section 65852.2(j), which states: “...Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 ...” Thus, ADUs proposed within the Coastal Zone must be consistent with the Coastal Act and the resource protection policies contained therein.

Additionally, Government Code Section 65852.2(a)(8) states: “An accessory dwelling unit that conforms to this subdivision shall be found to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.”

Thus, the proposed amendments could result in the development and use of ADUs that might be inconsistent with certain requirements of the Comprehensive Plan, including applicable community and area plans, and the Coastal Land Use Plan. However, with the exception of ADU applications that are inconsistent with the Coastal Act pursuant to Government Code Section 65852.2(j), the County is preempted from denying an ADU application based on an inconsistency with these requirements pursuant to Government Code Section 65852.2(a)(8).

The proposed amendments are consistent with the remaining portions of the LUDC, MLUDC, and Article II that would not be revised by these amendments. The proposed amendments include a provision that states where there are conflicts between the standards that apply to ADUs and other portions of the LUDC, MLUDC, or Article II, that the specific ADU standards shall prevail.

Therefore, the proposed amendments may be found consistent with the requirements of (1) State planning and zoning laws, as well as (2) the Comprehensive Plan including applicable community

and area plans, the Coastal Land Use Plan, the LUDC, the MLUDC, and Article II, given the preemptions set forth in State law.

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

The proposed amendments are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since they will revise the LUDC, MLUDC, and Article II to be consistent with State regulations regarding ADUs and provide clear and efficient permit processes that will benefit the public. As discussed in Finding 2.2, above, the amendment is consistent with the Comprehensive Plan including applicable community and area plans, the Coastal Land Use Plan, the LUDC, the MLUDC, and Article II.