

ATTACHMENT 1: 18ORD-00000-00005 MLUDC FINDINGS

1.0 CEQA FINDINGS

The Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 18ORD-00000-00005, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15302, and 15305. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060 of the Santa Barbara County Montecito Land Use and Development Code (MLUDC), 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 adopt the following findings in order to approve a text amendment to the Montecito LUDC:

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

The proposed Ordinance Amendment is in the interest of the general community welfare since it will expedite rebuilding a structure, through the like-for-like exemption process, that was damaged or destroyed by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features. This will help to expedite the rebuilding of the Montecito community, which is in the interest of the general community welfare. Different than other natural disasters, such as wildfires, debris flow events can change conditions on a site that direct development (e.g., setbacks from top-of-bank, site topography, hydrology, base flood elevation). This Ordinance Amendment clarifies that the permit exemption process would enable an impacted structure to be rebuilt in a different location than its previous footprint, subject to some limitations, if necessary to meet applicable setbacks from top-of-bank and to reduce flood risk. The development would still be required to comply with the regulatory measures of the applicable zone, such as setback requirements, as well as applicable Comprehensive Plan and Community Plan policies. Therefore, this finding can be made.

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

Adoption of the proposed Ordinance Amendment will provide the capability for property owners impacted by a debris flow or similar catastrophic event to rebuild on their lot in an expedited manner, bearing in mind changes to topography and base

flood elevation. The development would still be required to comply with the applicable regulatory measures of the zone district, such as setback requirements. As stated in Section 6.2 of the staff report, dated March 29, 2018 and incorporated herein by reference, the Amendment is consistent with policies and standards of the Comprehensive Plan, including the Montecito Community Plan.

As stated in Section 6.3 of the staff report, dated March 29, 2018 and incorporated herein by reference, the proposed Ordinance Amendment is also consistent with the remaining portions of the MLUDC that would not be revised by this Amendment. Further, a planning permit exemption cannot be issued based on this proposed Ordinance Amendment until staff has determined that the project is consistent with the applicable policies and development standards of the Comprehensive Plan, including the Montecito Community Plan. This Amendment is consistent with the Comprehensive Plan, including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the MLUDC. Therefore, this finding can be made.

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

The proposed Ordinance Amendment is consistent with good zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it streamlines the permit process for re-development of damaged or destroyed structures after a debris flow or other similar catastrophic event to occur away from flood hazard areas. The proposed Ordinance Amendment does not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the Montecito Community Plan, and the adoption of the proposed Ordinance Amendment is consistent with the adopted policies and development standards, as indicated in Sections 6.2 and 6.3 of the staff report, dated March 29, 2018 and incorporated herein by reference. Therefore, this finding can be made.