

Attachment 10

ATTACHMENT C: MONTECITO LUDC RESOLUTION AND ORDINANCE AMENDMENT

RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT)
TO SECTION 35-2, THE SANTA BARBARA COUNTY)
MONTECITO LAND USE AND DEVELOPMENT CODE, OF)
CHAPTER 35, ZONING, OF THE COUNTY CODE,) RESOLUTION NO.: 18 - 11
AMENDING DIVISION 35.2, MONTECITO ZONES AND)
ALLOWABLE USES, DIVISION 35.7, MONTECITO) CASE NO.: 18ORD-00000-00005
PLANNING PERMIT PROCEDURES, DIVISION 35.9,)
MONTECITO LAND USE AND DEVELOPMENT CODE)
ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO)
IMPLEMENT NEW REGULATIONS AND DEVELOPMENT)
STANDARDS REGARDING EXEMPTIONS FROM)
PERMITTING FOR STRUCTURES THAT HAVE BEEN)
DAMAGED OR DESTROYED DURING A DEBRIS FLOW)
EVENT OR OTHER NATURAL EVENT RESULTING IN A)
SIGNIFICANT CHANGE IN TOPOGRAPHY OR)
ALTERATION OF DRAINAGE FEATURES.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code.
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00005) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations regarding the permitting of structures that have been damaged or destroyed during a debris flow or other event resulting in a significant change in topography or alteration of drainage features.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning, and Development Laws, as discussed in Section 6.2 of the staff report, dated March 29, 2018 and incorporated herein by reference.
- D. The proposed Ordinance is in the interest of the general community welfare since it will serve to expedite the permitting process for the re-building of structures that were damaged or destroyed during a debris flow or other event resulting in a significant change in topography or alteration of drainage features in the Montecito Community Plan area, and allow structures to be rebuilt in safer and more resilient locations.

- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.
- F. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation which is to expedite the permitting process for the re-building of structures that were damaged or destroyed during a debris flow and the relationship of the proposed amendment to applicable general and specific plans, which is hereby identified as consistent, as stated in Section 6.2 of the staff report, dated March 29, 2018, and incorporated herein by reference.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. This Montecito Planning Commission re-affirms the guidance provided to property owners included in the March 13, 2018 Memorandum entitled "Guidance to Property Owners on Montecito Debris Flow Rebuilds," in particular the fourth paragraph on the first page. Consistent with this guidance, recommend that the Board of Supervisors wait to take action on the proposed Ordinance Amendment to the Montecito Land Use and Development Code (MLUDC) until the Flood Hazard/Recovery Mapping comes out in June 2018, members of the public have had sufficient time to review the Ordinance Amendment in context with the new advisory base flood elevations, and resiliency and adaptive management strategies have been considered. Upon receipt of this information, the Montecito Planning Commission requests that the Ordinance Amendment be referred back to the Montecito Planning Commission for further review and recommendations.
- 3. Alternatively, in compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Montecito Planning Commission Staff Report dated March 29, 2018 and the changes made at the April 17, 2018 Montecito Planning Commission hearing, included as Exhibit 1.
- 4. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
- 5. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this April 17, 2018, by the following vote:

AYES: Cole, Newman, Senauer, Keller

NOES:

ABSTAIN:

ABSENT:



JOE COLE, CHAIR
SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION

ATTEST:



JEFFREY WILSON
SECRETARY TO THE MONTECITO PLANNING COMMISSION
APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. 18ORD-00000-00005

EXHIBIT 1: MONTECITO LUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE LAND USES, DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES, DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND DEVELOPMENT STANDARDS REGARDING EXEMPTIONS FROM PERMITTING FOR STRUCTURES THAT HAVE BEEN DAMAGED OR DESTROYED DURING A DEBRIS FLOW EVENT OR OTHER NATURAL EVENT RESULTING IN A SIGNIFICANT CHANGE IN TOPOGRAPHY OR ALTERATION OF DRAINAGE FEATURES.

18ORD-00000-00005

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 35.2, Montecito Zones and Allowable Land Uses, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B.5, Exempt activities and structures, Damaged or destroyed structure, of Section 35.420.040, Exemptions from Planning Permit Requirements, of Chapter 35.420, Development and Land Use Approval Requirements, to read as follows:

5. **Damaged or destroyed structure.** The replacement or restoration of a conforming structure damaged or destroyed by a disaster, as determined by the Director in consultation with the Flood Control District as applicable.
 - a. The replaced or restored structure shall comply with all requirements of the applicable zone (including permitted uses), shall be for the same use, shall be in the same general footprint location, and shall not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, or 250 square feet, whichever is less. For the purposes of this Subsection B.5, bulk is defined as total interior cubic volume as measured from the exterior surfaces of the structure.
 - b. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the replaced or restored structure would be located, the replaced or restored structure

may be relocated on the lot to the minimum distance necessary to meet applicable setbacks from top-of-bank, as determined by the Director in consultation with the Flood Control District, as long as the structure otherwise complies with Subsection 5.a above and with applicable policies of the Comprehensive Plan.

- c. If the structure was damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, the replaced or restored structure shall not exceed the equivalent height of the destroyed or damaged structure by more than 10 percent (as measured from the post-event grade to peak roof height). If meeting the base flood elevation that exists for the lot after the debris flow or other event requires an increase in height greater than 10 percent of the equivalent height of the destroyed or damaged structure, the height may be increased to meet the base flood elevation, but the replaced or restored structure shall not exceed the equivalent height of the destroyed or damaged structure (as measured from the lowest finished floor to the highest part of the structure, excluding chimneys, vents, and noncommercial antennas). However, in no case shall the height of the structure, as measured from the post-event grade, exceed the height of the applicable zone.

1. For the purposes of this Subsection 5.c, post-event grade is defined as the existing grade on the lot at the time of application submittal.

- b.d. If the Director determines that the exterior design or specifications are proposed to be changed, then the restored or replaced structure shall require Design Review in compliance with Section 35.472.070 (Design Review).

SECTION 2:

DIVISION 35.7, Montecito Planning Permit Procedures, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection C, Exceptions to Design Review requirements, of Section 35.472.070, Design Review, of Chapter 35.472, Permit Review and Decisions, to read as follows:

- C. **Exceptions to Design Review requirements.** Design Review approval shall not be required for the following:
1. Decks.
 2. Fences, gates or walls six feet or less and gateposts of eight feet or less in height; however, fences, gates, gateposts and walls that are integral to the structure (e.g., are connected to the structure or form a courtyard adjacent to the structure) shall be included as part of the Design Review of a new structure or a remodeling or an addition to a structure requiring Design Review in compliance with this Section.
 3. Hot tubs, spas, and swimming pools.

4. Interior alterations.
5. Solar panels.
6. Other exterior alterations determined to be minor by the Director.
7. Residential second units; however approval from the Montecito Board of Architectural Review Chairperson, or designee, is required unless the residential second unit would only require exterior alterations to an existing structure that are determined to be minor by the Director.
8. The replacement or restoration of structures that were damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) located on the lot on which the damaged or destroyed structures were located; unless the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed from the prior structure(s).

SECTION 3:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsections E, Damage, of Section 35.491.020, Nonconforming Uses of Land and Structures, of Chapter 35.491, Nonconforming Uses, Structures, and Lots, to read as follows:

E. Damage. This Section identifies the standards for allowing the continuation of a nonconforming use in a structure or other development that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs.

1. Non-residential uses.

a. Damage 75 percent or more. If structure or other development dedicated to a non-residential nonconforming use is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, then the nonconforming use shall be discontinued and the damaged structure or other development thereafter used only in compliance with regulations of the zone in which it is located, unless allowed to continue by the Montecito Commission, in compliance with Section 35.472.100 (Hardship Determination).

b. Damage less than 75 percent.

(1) Except as provided below in Subsection E.1.b.(2). If the damage caused by

earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure or other developments may be restored to the same or lesser size and in the same general footprint location.

(2) **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) of the lot on which the nonconforming use occurs is less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, then:

(a) The restored or replaced structure may be relocated on the lot the minimum distance necessary to comply with applicable setbacks from top-of-bank, as determined by the Director, in consultation with the Flood Control District, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.

(b) The height of the structure may exceed the height of the destroyed or damaged structure only as necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure it is replacing.

(3) The nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified.

2. Residential uses.

a. Structures Except as provided in Subsection E.2.b. below, structures dedicated to nonconforming residential dwelling uses (e.g., one-family, two-family, and multi-family units, and second residential units) that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property on which the nonconforming use occurs may be reconstructed to the same or lesser size and in the same general footprint location.

b. **Damage caused by debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features.** If the structure is damaged or destroyed by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features,

then:

(1) The restored or replaced structure may be relocated on the lot the minimum distance necessary to comply with applicable setbacks from top-of-bank, as determined by the Director in consultation with the Flood Control District, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.

(2) The height of the structure may exceed the height of the destroyed or damaged structure only as necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure it is replacing.

c. The nonconforming residential dwelling use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged, expanded, or intensified (e.g., increase in gross floor area, increase in the number of bedrooms).

3. **Reconstruction shall commence within 24 months.** The restoration of a nonconforming use allowed in compliance with Subsection E.1 (Non-residential uses) and Subsection E.2 (Residential uses) above, shall commence within 24 months of the time of damage and be diligently carried out to completion.

a. The 24-month time limit may be extended by the Director for a maximum of 12 months for good cause, provided a written request, including a statement of reasons for the time extension request, is filed with the Department before the expiration of the 24-month period.

b. If the restoration of the nonconforming use does not commence within 24 months or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

4. **Applicability of permit requirements.**

a. **Exempt from the Development Code permit requirements.**

(1) Except as provided in Subsection E.4.a(2), below, the The restoration or reconstruction of a structure or other development dedicated to a nonconforming use that is damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of property

on which the nonconforming use occurs shall be exempt from the permit requirements of this Development Code only if the structure or other development complies with the provisions of this Chapter and if the structure or other development conforms to the specifications documented to exist before the damage or destruction.

(2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation or change in the finished floor elevation to be the minimum distance necessary to comply with applicable setbacks from top-of-bank and to comply with the base flood elevation after the debris flow event, and the structure complies with the provisions of this Chapter and applicable policies of the Comprehensive Plan.

(3) Full compliance with applicable Building Code provisions is still required.

b. **Design Review required.** If Except as provided in Subsection E.4.b(1), below, if the Director determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, then the replaced or restored structure shall be subject to the provisions of Section 35.472.070 (Design Review) if the structure is otherwise subject to Design Review.

(1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, and the restored or replaced structure must be relocated on the lot to comply with minimum top-of-bank setbacks or increased in height to comply with base flood elevation, the restored or replaced structure shall not require Design Review unless the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed.

c. **Subject to Development Code permit requirements.** If Except as allowed herein, if the structure or other development is proposed to be altered from the original specifications, as determined by the Director, then the reconstruction or restoration shall be subject to all applicable permit requirements of this Development Code.

SECTION 4:

DIVISION 35.9, Montecito Land Use and Development Code Administration, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Damage, of Section 35.491.030, Nonconforming Structures, of Chapter 35.491, Nonconforming Uses,

Structures, and Lots, to read as follows:

- B. Damage.** This Section identifies the standards for allowing the reconstruction or restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure.

~~1. Coastal Zone.~~

~~a. One family dwellings.~~ Nonconforming one family dwellings that are damaged or destroyed by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure may be reconstructed to the same or lesser size in the same general footprint location.

~~b. Structures other than one family dwellings.~~

~~(1) Damage 75 percent or more.~~ A nonconforming structure that is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of 75 percent or more of the replacement cost of the total structure before the damage, as determined by the Director, may not be reconstructed unless allowed by the Montecito Commission, in compliance with Section 35.472.100 (Hardship Determinations).

~~(2) Damage less than 75 percent.~~ Where a nonconforming structure, other than a one family dwelling, is damaged by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure to an extent of less than 75 percent of the replacement cost of the total structure before the damage, as determined by the Director, the structure may be reconstructed to the same or lesser size in the same general footprint location.

- 21. Inland area.** Nonconforming structures that are damaged or destroyed by earthquake, fire, flood, or other natural disaster may be reconstructed to the same or lesser size in the same general footprint location except that if a nonconforming structure is damaged by a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.), then:

a. The restored or replaced structure may be relocated on the lot the minimum distance necessary to comply with applicable setbacks from top-of-bank, as determined by the Director in consultation with the Flood Control District, as long as the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.

b. The height of the structure may exceed the height of the destroyed or damaged structure only as necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and

noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure it is replacing.

32. Hotel reconstruction. Any portion of an existing hotel that is damage or destroyed may be replaced with new construction of the identical size of that damaged or destroyed on the same site and in the same general location, except that if an existing hotel structure is damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features, then:

- a. The structure may be relocated on the lot the minimum distance necessary to meet applicable setbacks from top-of-bank, as determined by the Director in consultation with the Flood Control District, provided the structure complies with the setback requirements of the applicable zone and with the applicable policies of the Comprehensive Plan.
- b. The height of the structure may exceed the height of the destroyed or damaged structure only as necessary to comply with the base flood elevation that exists for the lot following a debris flow or other catastrophic event, as long as the structure complies with the height requirements of the applicable zone. However, the height of the structure as measured from the lowest, finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, shall not exceed the equivalent height of the damaged or destroyed structure it is replacing.

43. Reconstruction shall commence within 24 months.

- a. The reconstruction or restoration of a nonconforming structure that is required due to damage by earthquake, fire, flood, vandalism, or other calamity beyond the control of the owner of the structure allowed in compliance with Subsection B. (Damage) above shall commence within 24 months of the time of damage and be diligently carried out to completion.

b. Extensions.

- (1) **Initial time extension.** The 24-month time limit may be extended by the Director one time for a maximum of 24 additional months for good cause, provided a written request, including a statement of the reasons for the request, is filed with the Department before the expiration of the initial 24-month period.
- (2) **Additional time extension.**
 - (a) In addition to an extension granted by the Director in compliance with Subsection B.4.b.(1), above, the Director may extend the time limit for good cause a second time for a maximum of 36 additional months, provided:

- (i) An application for the extension, including a statement of the reasons for the request, is filed with the Department in compliance with Chapter 35.470 (Permit Application Filing and Processing) either prior to the expiration of a time extension allowed under Subsection B.4.b.(1), above, or within the 180 days following the expiration of said time extension.
 - (ii) Notice of the application for the time extension shall be provided in compliance with Section 35.496.050 (Land Use Permits).
 - (iii) The Director determines that the requirement for completion of substantial offsite infrastructure improvements has prevented the commencement of the reconstruction of the nonconforming structure within the time limit as extended in compliance with Subsection B.4.b.1), above.
- (b) The action of the Director to approve, conditionally approve, or deny the application to extend the time limit in compliance with Subsection B.4.b.(2)(a), above, is final subject to appeal in compliance with Chapter 35.492 (Appeals).
- c. If the reconstruction or restoration of the structure does not commence within 24 months, or the extended time period that may be granted by the Director, it shall not be restored except in full compliance with the applicable zone regulations and other provisions of this Development Code.

54. Applicability of permit requirements.

a. Exempt from Development Code permit requirements.

- (1) The Except as provided in Subsection B.5.a.(1), below, the restoration of a nonconforming structure that is damaged by earthquake, fire, flood, vandalism or other calamity beyond the control of the owner of the structure shall be exempt from the permit requirements of this Development Code only if the structure complies with the provisions of this Section and if the structure conforms to the specifications documented to exist before the damage or destruction, as determined by the Director.
- (2) The relocation of a structure and/or a change to its finished floor elevation following a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features may be allowed if the Director, in consultation with the Flood Control District, determines the relocation and/or change in the finished floor elevation to be the minimum distance necessary in order to comply with applicable setbacks from top-of-bank and the base flood elevation that exists after the debris flow event, and the structure complies with the provisions of this

Chapter and applicable policies of the Comprehensive Plan.

(3) Full compliance with applicable Building Code provisions is still required.

b. **Design Review required.** If Except as provided in Subsection B.5.b.1, below, if the Department determines that the exterior design or specifications are proposed to be changed or the footprint of the structure is relocated, the restored structure shall be subject to the provisions of Section 35.472.070 (Design Review).

(1) If a structure has been damaged or destroyed as a result of a debris flow or other catastrophic event resulting in a significant change in topography or alteration of drainage features located on the lot on which the replaced or restored structure would be located, and the restored or replaced structure must be relocated on the lot to comply with the minimum top-of-bank setbacks or increased in height to comply with base flood elevation, the restored or replaced structure shall not require Design Review unless the Director determines that the exterior design or specifications of the replaced or restored structure are proposed to be changed.

c. **Subject to Development Code permit requirements.** Except as allowed herein, if the structure is proposed to be altered from the original specifications, as determined by the Department Director, then the restoration shall be subject to all applicable permit requirements of this Development Code.

SECTION 5:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add new definitions of "Base Flood Elevation" and "Debris Flow" to read as follows:

Base Flood Elevation. The computed elevation to which floodwater is anticipated to rise during the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) which may be supplemented by studies for other areas which allow implementation of Chapter 15A of the County Code and which are recommended to the board of directors by the floodplain administrator and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood-proofing of structures.

Debris Flow. A saturated mass of loose particles, including rock, earth, and other debris, that travels down a slope and often into creek and/or stream channels.

SECTION 6:

All existing section references contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 7:

Except as amended by this Ordinance, Divisions 35.2, 35.7, 35.9 and 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 8:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

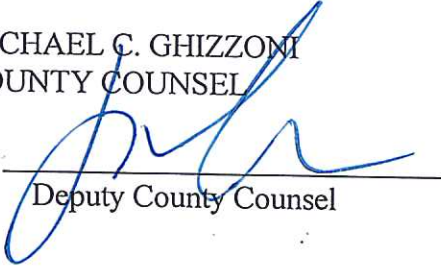
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL G. GHIZZONI
COUNTY COUNSEL

By



Deputy County Counsel