

Attachment 14

COUNTY PLANNING COMMISSION

Staff Report for the Like-for-Like Rebuild (Debris Flow) Ordinance Amendments

Hearing Date: April 25, 2018

Staff Report Date: April 5, 2018

Case Nos.: 18ORD-00000-00006 and
18ORD-00000-00007

Environmental Document: CEQA Exempt
County LUDC – CEQA Guidelines Sections
15061(b)(3), 15302, and 15305

Article II - CEQA Guidelines Sections
15061(b)(3), 15265, 15302, and 15305

Deputy Director: Jeff Wilson

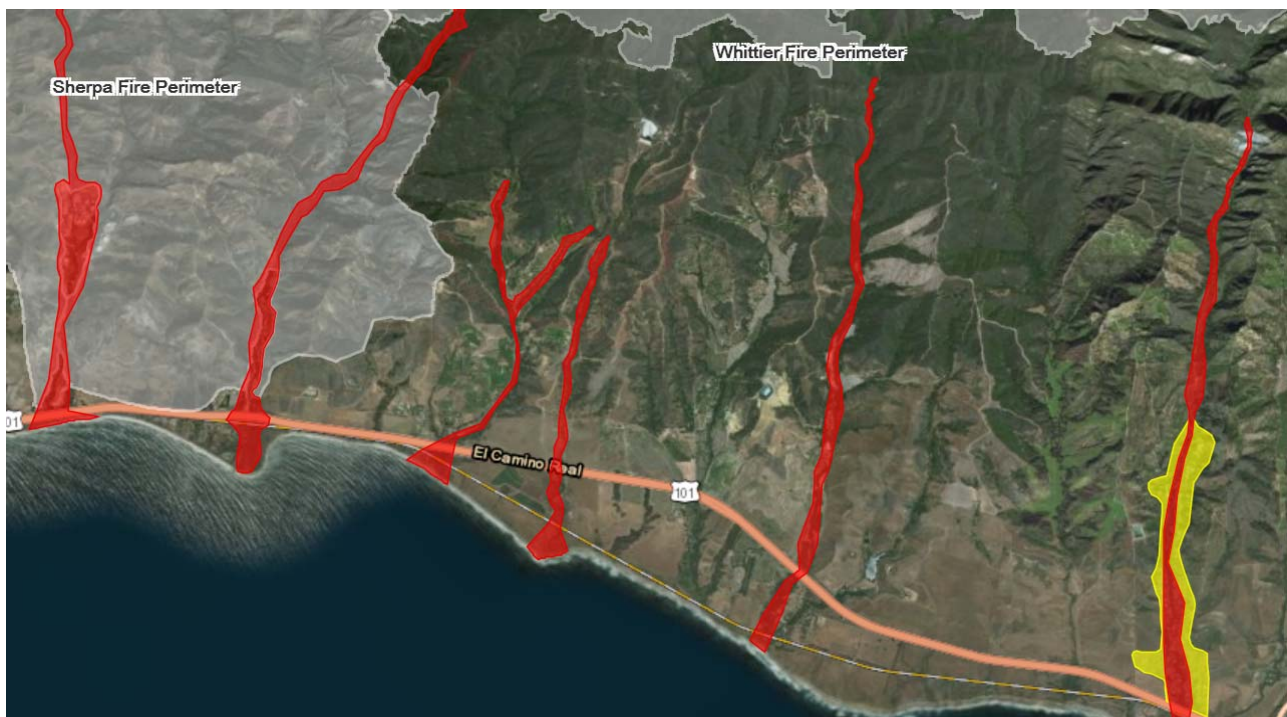
Division: Development Review

Supervising Planner: Alex Tuttle

Supervising Planner Phone #: 805-884-6844

Staff Contact: Tess Harris

Staff Contact Phone #: 805-568-3319



The County Land Use and Development Code (LUDC) Ordinance Amendment would be applicable to the inland portion of the County of Santa Barbara, outside of the Montecito Community Plan area. The Article II (Coastal Zoning Ordinance) Amendment is applicable to the coastal areas of the County of Santa Barbara, including Montecito. The map above shows the areas of the County, outside of Montecito, that are at Extreme Risk (Red) or High Risk (Yellow) for debris flow. For the most up-to-date debris flow risk areas map, please visit <https://readysbc.org/>.

1.0 REQUEST

Hearing on the request of the County of Santa Barbara Planning and Development Department, as directed by the Board of Supervisors during the March 13, 2018 Board of Supervisors hearing, that the County Planning Commission:

1.1 Case No. 18ORD-00000-00007

Adopt by resolution a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00007) amending Article 35.2, Zones and Allowable Land Uses, Article 35.8, Planning Permit Procedures, Article 35.10, Land Use and Development Code Administration, and Article 35.11, Glossary, of Section 35-1, the Santa Barbara County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment C; and

1.2 Case No. 18ORD-00000-00006

Adopt by resolution a recommendation to the Board of Supervisors that the Board of Supervisors adopt an ordinance (Case No. 18ORD-00000-00006) amending Division 1, In General, Division 2, Definitions, Division 10, Nonconforming Structures and Uses, and Division 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, as set forth in Attachment F.

The proposed ordinance amendments revise existing regulations, development standards, permit procedures, and definitions in order to accommodate the rebuilding of structures that were damaged or destroyed during a debris flow event or other natural event resulting in a significant change in topography or alteration of drainage features (i.e., creeks, streams, and/or waterways). Pursuant to Section 35-180.3 of Article II, the Director formally initiated the Ordinance Amendments, including the Amendment to the Local Coastal Program, following direction provided by the Board of Supervisors during their March 13, 2018 meeting.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Case No. 18ORD-00000-00007

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00007 as shown in Attachment C based upon the Amendment's consistency with the Comprehensive Plan, including the applicable community plans, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed Ordinance Amendment;

2. Recommend that the Board of Supervisors determine the Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15302, 15305, and 15061(b)(3), included as Attachment B; and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00007, an ordinance amending Section 35-1, the County LUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C).

2.2 Case No. 18ORD-00000-00006

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 18ORD-00000-00006 as shown in Attachment F based upon the Amendment's consistency with the Comprehensive Plan, including the Coastal Land Use Plan and applicable community plans, and based on the ability to make the required findings.

Your Commission's motion should include the following:

- a. Make the required findings for approval of the project specified in Attachment D of this staff report, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed Ordinance Amendment;
- b. Recommend to the Board of Supervisors that the Board of Supervisors determine that the Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15302, 15305, 15061(b)(3), and 15265, included as Attachment E; and,
- c. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 18ORD-00000-00006, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Article II) (Attachment F).

Refer back to staff if the County Planning Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

3.1 Case No. 18ORD-00000-00007

This project is being considered by the County Planning Commission based on the County Code, Section 2-25.1(a), the California Government Code, Sections 65854 to 65857, and Section 35.104.050 of the LUDC. The County Code, Government Code, and the LUDC require that the

County Planning Commission, as the designated planning agency for the unincorporated area of the County that is located outside the Montecito Community Plan area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 18ORD-00000-00006

This project is being considered by the County Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code. Section 2-25.2 provides that the County Planning Commission review and consider proposed amendments to Article II that will affect land use decisions within the coastal zone portion of the County and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND PROJECT INFORMATION

The Thomas Fire incident began on December 5, 2017 and burned 281,893 acres, including mountainous areas in south Santa Barbara County adjacent to the communities of Montecito, Summerland, and Carpinteria. Subsequent storm and debris flow events took place on January 9, 2018 that affected numerous areas throughout southern Santa Barbara County and damaged and/or destroyed approximately 470 structures in the Montecito area. In addition to structural damage, the January 9, 2018 debris flow events also resulted in significant changes to topography, expanded creek beds and banks, and general alteration of drainage features.

Currently, two types of permitting paths exist for property owners that choose to rebuild their structure(s) after a disaster:

- 1. “Like-for-Like:”** A “like-for-like” rebuild is the replacement or restoration of a permitted structure or structure pre-dating zoning regulations that required a land use entitlement for the structure, and which was damaged or destroyed by a disaster, with a structure which has substantially the same footprint, height, floor area, and bulk as the structure to be replaced or restored. A like-for-like rebuild for a conforming structure may include increases in floor area and/or height of up to 10 percent. However, a non-conforming structure is required to be re-built to the same or lesser size and in the same general footprint location. The like-for-like rebuild option is exempt from planning permit requirements, pursuant to the LUDC, Section 35.20.040(b)(5) and Article II, Section 35-51B(9)(a). In the event the exterior design of the structure changes as a result of the rebuilding process, the restored or replaced structure currently may be subject to Design Review.
- 2. Land Use Permit/Coastal Development Permit:** A Land Use Permit in the inland area (LUDC, Section 35.82.110), Coastal Development Permit in the coastal zone (Article II,

Section 35-169), or Coastal Development Permit with Hearing in the appeals jurisdiction of the coastal zone (Article II, Section 35-169) is required for construction of a structure that was damaged or destroyed by a disaster but results in a different footprint, height, floor area, and/or bulk than what was originally permitted. In addition, if a structure was not previously permitted by the County of Santa Barbara under a Land Use Permit, Coastal Development Permit, or other land use entitlement and the structure does not pre-date zoning regulations that required such land use entitlements, the replacement or restoration of the structure would require a new Land Use Permit, Coastal Development Permit, or Coastal Development Permit with Hearing. Structures that require a Land Use Permit, Coastal Development Permit, or Coastal Development Permit with Hearing for construction are subject to Design Review.

Unlike rebuilding after a fire, rebuilding after a debris flow event poses unique challenges. Topographical and drainage feature changes can result in a new base flood elevation and/or new setbacks from top-of-bank for a lot. After the January 9, 2018 debris flow events, staff determined that Ordinance Amendments throughout the County (i.e., the LUDC, the MLUDC, and Article II) would be necessary so that the exemption or waiver from permitting, due to impacts from a debris flow event or other similar natural event, exists for rebuilding efforts at this time as well as in the future, should any future debris flow events impact Santa Barbara County.

Therefore, the proposed County LUDC Ordinance Amendment provides specific standards for the like-for-like replacement or restoration of a structure that was damaged or destroyed as a result of a debris flow event or other natural event resulting in a significant change in topography or alteration of drainage features. The Amendment specifies that the replaced or restored structure 1) may be relocated, as necessary, on the lot to meet top-of-bank setbacks; 2) may exceed the height of the destroyed or damaged structure (as measured from existing grade) if necessary to account for the post-event grade (i.e. the grade on the lot after the debris flow or other catastrophic event that resulted in a change in topography) and comply with the base flood elevation that exists for the lot after a debris flow event; and 3) shall not require Design Review unless the exterior design of the structure is substantially different from the prior structure. Thus, if a structure needs to be relocated on the lot or have a higher finished floor elevation, and is otherwise substantially the same as it was before the event, it may be considered to be within the like-for-like rebuild exemption.

Planning and Development Department staff discussed the proposed Article II Ordinance Amendment with Coastal Commission staff, who indicated that Public Resources Code Section 30610(g)(1) limits exemptions from CDPs for the replacement of structures destroyed by disaster to those “sited in the *same location on the affected property* as the destroyed structure”

[emphasis added] and those that do “not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent.” As such, the Coastal Commission staff recommended that the County consider amending Article II to allow the Planning and Development Department Director to grant a De Minimis Coastal Development Permit Waiver, similar to those issued by the Executive Director of the Coastal Commission, instead of expanding the parameters for like-for-like exemptions.

Public Resources Code Section 30624.7 states that the “*commission may, after a public hearing, by regulation adopt procedures for the issuance by the executive director of waivers from coastal development permit requirements for any development that is de minimis. A proposed development is de minimis if the executive director determines that it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the policies of Chapter 3*” (Public Resources Code, commencing with Section 30200).

Therefore, the proposed Article II Ordinance Amendment specifies that the Planning Director may waive the requirement for a Coastal Development Permit through a De Minimis Coastal Development Permit Waiver to replace or restore the structure(s) that was damaged or destroyed as a result of a debris flow event or other natural event resulting in a significant change in topography or alteration of drainage features on the same lot. A De Minimis Waiver may be granted for a structure relocated on the same lot if the construction does not result in adverse coastal resource impacts and is consistent with the Santa Barbara County Local Coastal Program, as applicable. Similar to the LUDC, the Article II Ordinance Amendment specifies that, through a De Minimis Waiver, the replaced or restored structure 1) may be relocated, as necessary, on the lot to meet top-of-bank setbacks; 2) may exceed the height of the destroyed or damaged structure (as measured from existing grade) if necessary to account for the post-event grade and comply with the base flood elevation that exists for the lot after a debris flow event; and 3) shall not require Design Review unless the exterior design of the structure is substantially different from the prior structure.

The Ordinance Amendments are being proposed throughout the County (i.e., the County Land Use and Development Code (LUDC), the MLUDC, and Article II) so that the exemption from permitting or waiver of a Coastal Development Permit, due to impacts from a debris flow event or other similar natural event, exists for rebuilding efforts at this time as well as in the future, should any future debris flow events impact Santa Barbara County.

The MLUDC is being reviewed separately by the Montecito Planning Commission, who will make a recommendation to the Board of Supervisors to amend the MLUDC. The Montecito Planning Commission also reviewed the proposed Article II Ordinance Amendment and have

provided their recommendations to your Commission for consideration (Attachment F) before your Commission makes a recommendation to the Board of Supervisors.

Article II will become effective if the Coastal Commission certifies the Board of Supervisors' adoption of the Ordinance Amendment to Article II. The Coastal Commission staff has received draft language of the proposed Ordinance Amendment to Article II; however, County staff has not received comments back from the Coastal Commission as of the date of this staff report. County staff will provide your Commission with any comments received from the Coastal Commission staff at your April 25, 2018 County Planning Commission hearing.

5.0 PROJECT INFORMATION

The proposed Ordinance Amendments for the County LUDC and Article II will:

- Add language in the County LUDC to the exemption for damaged or destroyed structures to clarify that a structure damaged or destroyed by a debris flow or other event resulting in a significant change in topography or alteration of drainage features may be relocated on the lot to meet applicable setbacks from top-of-bank and to reduce flood hazards;
- Add language in the County LUDC to the exemption for damaged or destroyed structures to clarify that the height of the new structure may exceed the previous height of the damaged or destroyed structure in order to comply with the base flood elevation that exists for the lot after the debris flow event;
- Add language in Article II to allow the Director to grant a De Minimis Waiver in the coastal zone for damaged or destroyed structures that are being rebuilt after a debris flow or other catastrophic event resulting in a change in topography or alteration of drainage features to 1) be relocated on the lot to meet applicable setbacks from top-of-bank and to reduce flood hazards and/or 2) exceed the previous height of the damaged or destroyed structure in order to comply with the base flood elevation that exists for the lot after the debris flow event;
- Clarify in the County LUDC and Article II that for the purposes of measuring height after a debris flow or other event resulting in a significant change in topography, "existing grade" shall be considered to be the natural grade that has been established on the lot after said event, either through the permanent deposition of soil or the removal of debris and other material to re-establish the prior grade; and
- Add language in the County LUDC and Article II that specifies that Design Review is not required for structures damaged or destroyed as a result of a debris flow or other event resulting in a significant change in topography, so long as the exterior design or specifications are not substantially different from the prior structure(s).

The complete texts of the Ordinance Amendments are contained in Exhibit 1 of Attachment C (County LUDC) and Exhibit 1 of Attachment F (Article II). Proposed deletions are shown by striking through the text and proposed additions are underlined.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

The proposed Ordinance Amendments, Case No. 18ORD-00000-00006 and Case No. 18ORD-00000-00007, can be found exempt from environmental review based upon Sections 15061(b)(3), 15302, and 15305 of the CEQA Guidelines.

CEQA Guidelines Section 15061(b)(3) [Review for Exemption] states that a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

CEQA Guidelines Section 15302 [Replacement or Reconstruction] states that a project is exempt from CEQA if “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.”

CEQA Guidelines Section 15305 [Minor Alterations in Land Use Limitations] states that a project is exempt from CEQA if the activity consists of “minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density[.]”

In addition to the exemptions discussed above, Case No. 18ORD-00000-00006 can also be found exempt from environmental review based upon Section 15265 of the CEQA Guidelines. CEQA Guidelines Section 15265 [Adoption of Coastal Plans and Programs] states that CEQA does not apply to activities and approvals, pursuant to the California Coastal Act, by “any local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program.” Section 15265 also states, “CEQA shall apply to the certification of a local coastal program or long-range land use development plan by the California Coastal Commission” and that this exemption “shifts the burden of CEQA compliance from the local agency... to the California Coastal Commission.” Therefore, Section 15265 states that compliance with CEQA is the responsibility of the California Coastal Commission.

See Attachments B and E to this staff report for a detailed discussion of these exemptions.

6.2 Comprehensive Plan Consistency

This section addresses the Ordinance Amendments’ consistency with the Comprehensive Plan, including the Coastal Land Use Plan. The proposed Ordinance Amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the relevant community plan(s), or the Coastal Land Use Plan, and the adoption of the proposed Ordinance Amendments will not result in inconsistencies with applicable adopted policies and development standards.

The following discussion focuses on the Ordinance Amendments’ consistency with policies related to land use, visual and aesthetic resources, biological resources, and water quality. However, in order for a development permit to be approved or an exemption or waiver to be issued based on these proposed Amendments, it still must be determined that the project, exemption, or waiver is consistent with the policies and development standards of the Comprehensive Plan, including the relevant community plan(s), and the Coastal Land Use Plan, as applicable. As part of this process, staff will review each application for consistency with applicable policies.

REQUIREMENT	DISCUSSION
LAND USE DEVELOPMENT	
<p>Coastal Act Policy 30250. (a): <i>New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases, for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</i></p>	<p>Consistent: The Ordinance Amendments would allow a structure(s) that are damaged or destroyed by a debris flow or similar event to be constructed on the same lot, but in a different location, if the previous footprint of the structure is no longer viable. Construction would be in close proximity to existing developed areas or areas that were previously developed and would still be required to comply with the Comprehensive Plan and Community Plan policies (e.g., policies related to development in Environmentally Sensitive Habitat or removal of native trees).</p> <p>The development, including construction in a new location on the lot, would be required to be served by adequate public services (e.g., water, sewer, utilities). If the structure is served by a private septic system, Environmental Health Services (EHS) would review the</p>

<p>Land Use Element, Land Use and Development Policy #4 and CLUP Policy 2-6: <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.</i></p>	<p>proposed rebuild project, and the applicant would need to obtain necessary EHS permits. Therefore, the proposed Ordinance Amendments are consistent with these policies.</p>
<p>BIOLOGICAL RESOURCES & HILLSIDE AND WATERSHED PROTECTION</p>	
<p>CLUP Policy 2-11: <i>All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</i></p> <p>CLUP Policy 3-14: <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p>Land Use Element, Hillside and Watershed Protection Policy #1 and CLUP Policy 3-13: <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p>Land Use Element, Hillside and Watershed</p>	<p>Consistent: Debris flow events, or other events that result in a change in topography or drainage features, can alter existing parcels, such that conditions on the site that direct development (e.g., setbacks from top-of-bank, site topography, hydrology, and base flood elevation) have changed. As a result, the Ordinance Amendments clarify that a permit exemption or De Minimis Waiver may be allowed for a structure that is being rebuilt, and the structure may be located in a different area of the site to meet applicable setbacks from top-of-bank and to reduce flood hazards. The development would still be required to comply with applicable regulatory measures, such as setbacks from Environmentally Sensitive Habitat and protection of native trees where appropriate. Upon submittal of an application for an exemption or De Minimis Waiver, staff would review the proposed project to determine whether the project results in conflicts with Comprehensive Plan policies, such as policies that direct development away from Environmentally Sensitive Habitat and/or native trees.</p> <p>Reconstruction of damaged or destroyed structures would occur outside of environmentally sensitive habitat areas to the maximum extent feasible to avoid adverse impacts on habitat resources. These Ordinance Amendments provide clarification for structures that are being rebuilt “like-for-like.” The restored or replaced structure would be</p>

<p>Protection Policy #2 and CLUP Policy 3-14: <i>All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p>	<p>allowed to be rebuilt using the grade that exists on the lot at the time of application submittal (i.e., the post-event grade, or grade on the lot after the debris flow or other catastrophic event that resulted in a change in topography). Therefore, while the structure may exceed the height of the previous destroyed or damaged structure to comply with the new base flood elevation, or be relocated to another area of the site to comply with new creek setbacks, grading and site preparation shall be kept to a minimum.</p> <p>Applications for a like-for-like rebuild (permit exemption or De Minimus Waiver) would be reviewed in conjunction with the Flood Control District to ensure that the structure(s) complies with applicable flood hazard standards (i.e., setbacks from top-of-bank and base flood elevation). Therefore, the proposed Ordinance Amendments are consistent with these policies.</p>
<p>STREAMS AND CREEKS</p>	
<p>Land Use Element, Streams and Creeks Policy #1: <i>All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</i></p>	<p>Consistent: As stated above, if damage or destruction occurs as a result of a debris flow or similar event and the impacted structure is located in a flood hazard area, the structure may be relocated on the lot, which would reduce construction and grading within stream corridors. Projects would be reviewed upon application submittal to ensure that impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution are minimized through proper siting of the rebuilt structure(s). Therefore, the proposed Ordinance Amendments are consistent with this policy.</p>
<p>FLOOD HAZARD AREA</p>	
<p>Land Use Element, Flood Hazard Area Policy #1 and CLUP Policy 3-11: <i>All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in</i></p>	<p>Consistent: The County of Santa Barbara and FEMA are producing Flood Hazard/Recovery Mapping for the Santa Barbara County area after the January 9, 2018 debris flow events, which will provide property owners with an advisory floodplain boundary and advisory base flood elevations. This map will assist</p>

<p><i>accordance with federal regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finished floor elevations are two feet above the projected 100-year flood elevation, and the other requirements regarding materials and utilities as specified in the Flood Plain Management Ordinance are in compliance.</i></p> <p>Land Use Element, Flood Hazard Area Policy #2 and CLUP Policy 3-12: <i>Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</i></p> <p>Land Use Element, Flood Hazard Area Policy #3: <i>All development shall be reviewed in accordance with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses.</i></p>	<p>property owners and County staff with ensuring that new development, including construction, excavation, and grading for the rebuilding of existing structures that were damaged or destroyed as a result of a debris flow or other event, is prohibited in the floodway or contains off-setting improvements in accordance with federal regulations.</p> <p>The Planning and Development Department will coordinate project review with the Flood Control District to ensure that development complies with the requirements of County Code Chapter 15A-Floodplain Management and 15B-Development Along Watercourses. In addition, while the Ordinance Amendments allow impacted structures to be moved on the site under a like-for-like permit exemption or De Minimis Waiver, the restored or replaced structure would still be required to comply with the setback and height requirements of the applicable zone, as well as applicable setbacks from top-of-bank, as appropriate.</p> <p>The Ordinance Amendments would not result in development that would cause or contribute to flood hazards, as it streamlines the permit process for re-development to occur outside of flood hazard areas. Further, the Ordinance Amendments allow development to be designed to minimize the threat of flooding. Therefore, the proposed Ordinance Amendments are consistent with these policies.</p>
VISUAL AND AESTHETIC RESOURCES	
<p>Coastal Act Policy 30251: <i>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p>	<p>Consistent: Debris flow events and other catastrophic events visually degrade properties and can affect the aesthetics of entire communities.</p> <p>The Ordinance Amendments would provide property owners whose structures were damaged or destroyed during a debris flow or other event resulting in a significant change in topography with an expedited permit process through a like-for-like permit exemption or De</p>

Land Use Element, Visual Resources Policy #2 and CLUP Policy 4-3: *In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

Land Use Element, Visual Resources Policy #3 and CLUP Policy 4-4: *In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.*

Minimis Coastal Development Permit Waiver. This exemption allows owners to make modifications to structures for safety and flood hazard prevention, including changes in the footprint (i.e., the structure's location on the lot) and overall height.

Specifically, a restored or replaced structure may be moved on the site if necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as long as the structure complies with the setback requirements of the applicable zone.

Similarly, the overall height of a structure may exceed the height of the destroyed or damaged structure if necessary in order to comply with the base flood elevation that exists for the lot after a debris flow or other event resulting in a significant change in topography or alteration of drainage features. A structure's height may also appear different since a debris flow or other catastrophic event could result in a change in grade on the subject lot (i.e. the post-event grade may be different from the previous "existing" grade). The Ordinance Amendments specify that the height of the structure(s) would still be required to comply with the height maximum for the applicable zone district (i.e. for single family dwellings, the height maximum in the inland area of the County is 35 feet, unless otherwise specified, and the height maximum for the coastal area of the County is 25 feet, unless otherwise specified), and the height of the structure from finished floor to the highest part of the structure, excluding chimneys, vents and noncommercial antennas, would substantially conform to the height of the destroyed structure. Therefore, re-development of property would minimize impacts to open space views and visibility from public roads.

While the overall height of the structure may exceed the height of the destroyed or damaged

	<p>structure, the scenic and visual qualities of the community, natural environment, and coastal areas would still be protected since the structure would be required to comply with the height requirements of the applicable zone district. Further, the height of the structure from finished floor to peak roof height would not change beyond 10 percent of the previous height of the structure, and property owners would only be allowed to modify their height through the “like-for-like” permit exemption or De Minimis Coastal Development Permit Waiver if a change in topography and/or base flood elevation occurred on their lot (i.e. changes to a structure’s height solely for the purpose of creating or enhancing views would not be allowed). Therefore, the Ordinance Amendments would ensure that the height, scale, and design of structures shall be compatible with the character of the surrounding environment to the maximum extent feasible, while also complying with the Flood Hazard/Recovery Mapping.</p> <p>By providing flexibility to property owners through the like-for-like permit exemption and De Minimis Coastal Development Permit Waiver processes for damaged or destroyed structures, properties can begin to rebuild, thus enhancing and restoring visual quality in disaster area(s). Therefore, the Ordinance Amendments are consistent with these policies.</p>
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6.3 Zoning: Ordinance Compliance

The proposed ordinances are consistent with the remaining portions of the LUDC and Article II that would not be revised by these ordinance amendments. In order to approve a development project based on these proposed amendments, it still must be determined that the project is consistent with the whole of the LUDC and Article II as applicable. Article II, Section 35-51B, and the LUDC, Section 35. 20.040, state that exemptions to permitting are allowed if “the use, activity, or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Article/Development Code, the required provisions and conditions of any existing, approved

permits for the subject lot and, where applicable, Division 10 (Nonconforming Structures and Uses)/Chapter 35.101 (Nonconforming Uses, Structures, and Lots).” Further, the zoning ordinances state that any permit or approval required by regulations other than the zoning ordinances would still be required to be obtained (e.g., a Building Permit and/or Grading Permit). The proposed ordinance amendments do not modify this requirement and a structure that is relocated to reduce flood hazards or its finished floor changed to comply with a new base flood elevation would still be required to comply with ordinance requirements including setbacks, height, parking, site coverage, and all other applicable requirements.

7.0 PROCEDURES

County LUDC: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

Article II: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors. Such revisions may include amending the development standards as recommended by the Montecito Planning Commission.

8.0 APPEALS PROCEDURE

Ordinance Amendments recommended for approval or denial are legislative acts that are automatically forwarded to the Board of Supervisors for final action. Therefore, no appeal is required.

ATTACHMENTS

- A. 18ORD-00000-00007 (LUDC) Findings
- B. 18ORD-00000-00007 (LUDC) Notice of Exemption
- C. 18ORD-00000-00007 (LUDC) Resolution and Proposed Ordinance
- D. 18 ORD-00000-00006 (Article II) Findings
- E. 18 ORD-00000-00006 (Article II) Notice of Exemption
- F. 18 ORD-00000-00006 (Article II) Resolution and Proposed Ordinance
- G. Guidance to Property Owners, Montecito Debris Flow Rebuilds, located here:
<http://www.sbcountyplanning.org/pdf/misc/Guidance%20for%20Rebuilding03.13.2018.pdf>