



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** 12/06/2011  
**Placement:** Departmental  
**Estimated Tme:** 30 minutes  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Glenn Russell, Ph.D. (805) 568-2085  
Contact Info: Dianne Black, Development Services Director (805) 568-2086  
**SUBJECT:** Economic Hardship Time Extensions Zoning Ordinance Amendments

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**County Counsel Concurrence**  
As to form: Yes

**Auditor-Controller Concurrence**  
As to form: N/A

**Other Concurrences:** N/A

**Recommended Actions:**

That the Board of Supervisors consider the recommendations of the County and Montecito Planning Commissions to approve Case Nos. 11ORD-00000-00024, 11ORD-00000-00025, 11ORD-00000-00026 and 11ORD-00000-00028 which would amend, respectively, the County Land Use and Development Code, the Montecito Land Use and Development Code, the Article II Coastal Zoning Ordinance and the Montecito Growth Management Ordinance, to (1) extend the authority of the Director of the Planning and Development Department to grant a two year time extension to approved permits and projects due to economic hardship considerations by changing the sunset date of the existing regulations from January 12, 2012 to January 12, 2015, and (2) provide that more than one such extension may be granted by the Director, and take the following actions:

**A. Case No. 11ORD-00000-00024 (County LUDC Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment A;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment B; and,
3. Approve Case No. 11ORD-00000-00024, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code included as Attachment C.

**B. Case No. 11ORD-00000-00025 (Montecito LUDC Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment D;

2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment E; and,
3. Approve Case No. 11ORD-00000-00025, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code included as Attachment F.

**C. Case No. 11ORD-00000-00026 (Article II Coastal Zoning Ordinance Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment G;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment H ; and,
3. Approve Case No. 11ORD-00000-00026, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code included as Attachment I.

**D. Case No. 11ORD-00000-00028 (Montecito Growth Management Ordinance Amendment):**

1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment J;
2. Determine that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA included as Attachment K ; and,
3. Approve Case No. 11ORD-00000-00028, an ordinance amending Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code included as Attachment L.

**Summary Text:**

In 2009 the County Board of Supervisors, in response to the ongoing economic recession, approved ordinances amending the County and Montecito Land Use and Development Codes (LUDCs) and the Montecito Growth Management Ordinance (MGMO) that gave the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the economic situation, a two-year time extension to approved permits and projects. The hardship time extension is in addition to other time extensions allowed by the LUDCs and the MGMO, and can be granted by the Director either before or after these other time extension are approved. The current hardship time extension regulations require that (1) the request for the hardship time extension must be filed with the Department prior to the expiration of the permit, and (2) that all the findings for approval that were made when the project was initially approved can still be made. The action of the Director on the application is subject to appeal to the Planning Commission. Notice is provided to neighbors of the application for the pending hardship time extension.

The expectation in 2009 was that the economy would rebound in several years, and so the ordinances provided that the hardship time extension provisions would expire on January 1, 2012 unless extended by the Board of Supervisors. It is now apparent that the national and local economies are not recovering as quickly as previously thought such that the need for hardship time extensions will extend beyond January 1, 2012. Therefore, the Planning and Development Department is now recommending that the LUDCs and the MGMO be amended to extend the expiration date to January 12, 2015, and allow more than one 24 month hardship time extension to be granted by the Director. The requirements that (1) the request for the time extension be filed with the Department prior to the expiration of the

planning permit, and (2) that all the findings for approval that were made when the project was initially approved can still be made, are not changed. However, new language is proposed that only allows an application for a hardship time exemption to be submitted within the six month period preceding the date that the planning permit would otherwise expire. The purpose of this is to prevent an applicant from obtaining a 24 month hardship time exemption and then immediately submitting an application for an additional 24 month hardship time extension.

The Article II Coastal Zoning Ordinance was not amended in 2009 to add the hardship time extension provisions since at that time it was expected that the LUDCs would be certified by the Coastal Commission and replace Article II. However, this did not occur and so an amendment to Article II to add the hardship time extension provisions is included in this package. These provisions are the same as recommended for the LUDCs and MGMO.

### Planning Commission Actions

The Montecito Planning Commission considered the amendments to the Montecito LUDC, the Article II Coastal Zoning Ordinance, and the Montecito Growth Management Ordinance at their October 26, 2011 public hearing. At the conclusion of the hearing, by a vote of four to one, they adopted a resolution recommending that the Board of Supervisors adopt the proposed ordinance amendments.

The County Planning Commission considered the amendments to the County LUDC and the Article II Coastal Zoning Ordinance at their November 2, 2011 public hearing. At the conclusion of this hearing, by a unanimous vote (with one Commissioner absent), they adopted a resolution recommending that the Board of Supervisors adopt the proposed ordinance amendments.

The complete texts of the ordinance amendments are contained in Attachments C, Attachment F, Attachment I and Attachment L. In these attachments, proposed deletions are shown by striking through the text and proposed text additions are underlined; the use of an ellipsis (...) indicates that sections where the text is unchanged have been omitted for the sake of brevity.

Please refer to the County and Montecito Planning Commission staff reports (Attachments O and R, respectively) for a detailed analysis of the proposed ordinances.

### **Performance Measures:**

N/A.

### **Fiscal and Facilities Impacts:**

Budgeted: Yes

### **Fiscal Analysis:**

Funding for this ordinance amendment work effort is budgeted in the Administration Division on page D-308 of the adopted Planning and Development Department's budget for fiscal year 2011-2012.

### **Special Instructions:**

The Clerk of the Board shall send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

### **Attachments:**

#### **Case No. 11ORD-00000-00024, County LUDC Amendment**

- A. Findings
- B. CEQA Notice of Exemption
- C. Ordinance Amendment (showing proposed revisions)

**Case No. 11ORD-00000-00025, Montecito LUDC Amendment)**

- D. Findings
- E. CEQA Notice of Exemption
- F. Ordinance Amendment (showing proposed revisions)

**Case No. 11ORD-00000-00026, Article II Coastal Zoning Ordinance Amendment**

- G. Findings
- H. CEQA Notice of Exemption
- I. Ordinance Amendment (showing proposed revisions)

**Case No. 11ORD-00000-00028, Montecito Growth Management Ordinance Amendment**

- J. Findings
- K. CEQA Notice of Exemption
- L. Ordinance Amendment (showing proposed revisions)

**County Planning Commission Resolutions and Staff Report**

- M. Resolution No. 11-25 (County LUDC)
- N. Resolution No. 11- 26 (Article II)
- O. Staff Report dated October 21, 2011 (w/o attachments)

**Montecito Planning Commission Resolutions and Staff Reports**

- P. Resolution No. 11- 22 (Montecito LUDC)
- Q. Resolution No. 11- 24 (MGMO)
- R. Staff Report dated October 10, 2011 (w/o attachments)

**Authored by:**

Noel Langle, Planner (805.568.2067)

## ATTACHMENT A: 11ORD-00000-00024 COUNTY LUDC FINDINGS

### 1.0. CEQA FINDINGS

#### 1.1 CEQA Guidelines Exemption Finding.

The Board of Supervisors finds that the proposed project, 11ORD-00000-00024, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment B, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35.104.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Land Use and Development Code (County LUDC), the Board of Supervisors shall make the following findings in order to approve a text amendment to the County LUDC:

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

The proposed ordinance amendment is in the interest of the general community welfare since it will provide a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.

#### 2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the County Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the effectiveness of approved permit for additional two year periods. This does not conflict with any policies and standards of the Comprehensive Plan including the Community Plans, and only applies to permits that have previously been determined to be consistent with the policies and standards of the Comprehensive Plan including the Community Plans.

The proposed ordinance amendment is also consistent with the remaining portions of the County LUDC that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the County LUDC.

The proposed ordinance does not involve an amendment to the Local Coastal Program.

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

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it only provides for additional time extensions of approved permits that have been reviewed in

compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the Community Plans, and the County LUDC.

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors  
**FROM:** Noel Langle, Senior Planner  
Planning and Development Department

The project or activity identified below is determined to be categorically exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 11ORD-00000-00024

**Location:** The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located outside of the Montecito Community Plan Area not including the Coastal Zone.

**Project Title:** Time Extensions Due to Economic Hardship Ordinance Amendment.

**Project Description:** 11ORD-00000-00024 proposes to amend Chapter 35.84 - Post Approval Procedures, of, and make other revisions as necessary to, Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to give the Planning and Development Department Director the authority to grant two year time extensions to permits if required due to an economic hardship resulting from the current economic situation and also extends the expiration of the hardship time extension provisions January 12, 2012 to January 12, 2015 unless extended by the Board of Supervisors. Hardship time extensions are in addition to time extensions already provided for in the County Land Use and Development Code. In order to approve such an time extension the request for the time extension shall be filed with the Department prior to the expiration of the permit, and all the findings for approval that were made when the project was initially approved must still be able to be made. The action of the Director on the application is subject to appeal to the Planning Commission.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

**Cite specific CEQA Guideline Section:** Section 15061(b)(3), the general rule exemption, states that 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 that the activity is not subject to CEQA.

**Reasons to support exemption findings:** The proposed amendment only revises post approval procedures to give the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, additional two-year time extensions to approved permits in addition to the existing time extensions allowed by the County LUDC. Hardship time extensions could be granted by the Director either before or after a time extension is approved in compliance with the existing County LUDC provisions.

Such permits have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the Community Plans

and the County LUDC. The amendment does not affect any existing permit requirements for development, nor does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

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Department/Division Representative \_\_\_\_\_ Date \_\_\_\_\_

Acceptance Date (date of final action on project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff  
11ORD-00000-00024 file



**ATTACHMENT C: 11ORD-00000-00024 COUNTY LUDC ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.84, POST APPROVAL PROCEDURES, OF ARTICLE 35.8, PLANNING PERMIT PROCEDURES; AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00024

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

SECTION 1:

DIVISION 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection D.8 of Subsection D., Processing, of Section 35.84.030 (Time Extensions) of Chapter 35.84, Post Approval Procedures, to read as follows:

- 8. Time extensions due to economic hardship.** In addition to the time extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for ~~an~~ additional 24 months periods in compliance with the following:
- a. The Director has determined that ~~an additional~~ a Time Extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
  - b. The application for the Time Extension request is filed with the Department in compliance with the following: ~~before the expiration of the planning permit that is the subject of the time extension request.~~
    - (1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).
    - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
  - c. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decisions) that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
  - d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

This Subsection D.8 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

SECTION 2:

Except as amended by this Ordinance, Division 35.8 of Section 35-1, the Santa Barbara County 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 3:

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 6<sup>th</sup> day of December, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

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JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

## ATTACHMENT D: 11ORD-00000-00025 MONTECITO LUDC FINDINGS

### 1.0. CEQA FINDINGS

#### 1.1 CEQA Guidelines Exemption Finding.

The Board of Supervisors finds that the proposed project, 11ORD-00000-00025, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment E, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35.494.060 (Findings Required for Approval of Amendment) of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC), the Board of Supervisors shall make the following findings in order to approve a text amendment to the Montecito LUDC:

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

The proposed ordinance amendment is in the interest of the general community welfare since it will provide a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.

#### 2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and the Montecito Land Use and Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the effectiveness of approved permit for additional two year periods. This does not conflict with any policies and standards of the Comprehensive Plan including the Montecito Community Plan, and only applies to permits that have previously been determined to be consistent with the policies and standards of the Comprehensive Plan including the Montecito Community Plan.

The proposed ordinance amendment is also consistent with the remaining portions of the Montecito LUDC that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State Planning and Zoning Laws, and the Montecito LUDC.

The proposed ordinance does not involve an amendment to the Local Coastal Program.

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

The proposed amendment is consistent with sound zoning and planning practices to regulate

land uses for the overall protection of the environment and community values since it only provides for additional time extensions of approved permits that have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC.

## NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Noel Langle, Senior Planner  
Planning and Development Department

The project or activity identified below is determined to be categorically exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 11ORD-00000-00025

**Location:** The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan Area not including the Coastal Zone.

**Project Title:** Time Extensions Due to Economic Hardship Ordinance Amendment.

**Project Description:** 11ORD-00000-00025 proposes to amend Chapter 35.474 - Post Approval Procedures, of, and make other revisions as necessary to, Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code to give the Planning and Development Department Director the authority to grant two year time extensions to permits if required due to an economic hardship resulting from the current economic situation and also extends the expiration of the hardship time extension provisions January 12, 2012 to January 12, 2015 unless extended by the Board of Supervisors. Hardship time extensions are in addition to time extensions already provided for in the Montecito Land Use and Development Code. In order to approve such an time extension the request for the time extension shall be filed with the Department prior to the expiration of the permit, and all the findings for approval that were made when the project was initially approved must still be able to be made. The action of the Director on the application is subject to appeal to the Planning Commission.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

**Cite specific CEQA Guideline Section:** Section 15061(b)(3), the general rule exemption, states that 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 that the activity is not subject to CEQA.

**Reasons to support exemption findings:** The proposed amendment only revises post approval procedures to give the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, additional two-year time extensions to approved permits in addition to the existing time extensions allowed by the Montecito LUDC. Hardship time extensions could be granted by the Director either before or after a time extension is approved in compliance with the existing Montecito LUDC provisions.

Such permits have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the Montecito Community Plan, and the Montecito LUDC. The amendment does not affect any existing permit

requirements for development, nor does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

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Department/Division Representative

Date

Acceptance Date (date of final action on project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff  
11ORD-00000-00025 file

**ATTACHMENT F: 11ORD-00000-00025 MONTECITO LUDC ORDINANCE**

**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 CHAPTER 35.474, POST APPROVAL PROCEDURES, OF DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00025

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

**SECTION 1:**

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 amended to amend Subsection D.8 of Subsection D., Processing, of Section 35.474.030 (Time Extensions) of Chapter 35.474, Post Approval Procedures, to add a new Subsection D.8 to read as follows:

- 8. Time extensions due to economic hardship.** In addition to the time extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for ~~an~~ additional 24 months periods in compliance with the following:
- a. The Director has determined that ~~an additional~~ a Time Extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
  - b. The application for the Time Extension ~~request~~ is filed with the Department in compliance with the following: before the expiration of the planning permit that is the subject of the time extension request.
    - (1) The application shall be filed in compliance with Section 35.470.030 (Application Preparation and Filing).
    - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
  - c. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.472 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
  - d. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

This Subsection D.8 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

SECTION 2:

Except as amended by this Ordinance, Division 35.7 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 3:

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



## ATTACHMENT G: 11ORD-00000-00026 ARTICLE II CZO FINDINGS

### 1.0. CEQA FINDINGS

#### 1.1 CEQA Guidelines Exemption Finding.

The Board of Supervisors finds that the proposed project, 11ORD-00000-00026, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment H, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS.

In compliance with Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance (Article II), the Board of Supervisors shall make the following findings in order to approve a text amendment to Article II:

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

The proposed ordinance amendment is in the interest of the general community welfare since it will provide a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.

#### 2.2 The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws and this Article.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the effectiveness of approved permits for additional two year periods. This does not conflict with any policies and standards of the Comprehensive Plan including the Community Plans and the Coastal Land Use Plan, and only applies to permits that have previously been determined to be consistent with the policies and standards of the Comprehensive Plan including the Community Plans and the Coastal Land Use Plan.

The proposed ordinance amendment is also consistent with the remaining portions of Article II that would not be revised by this amendment. Therefore, this amendment may be found consistent with the Comprehensive Plan including the Community Plans and the Coastal Land Use Plan, the requirements of State Planning and Zoning Laws, and Article II.

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

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it only provides for additional time extensions of approved permits that have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the Community Plans and the Coastal Land Use Plan, and Article II.

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors  
FROM: Noel Langle, Senior Planner  
Planning and Development Department

The project or activity identified below is determined to be categorically exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 11ORD-00000-00026

Location: The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Coastal Zone.

Project Title: Economic Hardship Time Extensions Ordinance Amendment.

Project Description: 11ORD-00000-00026 proposes to amend Division 11, Permit Procedures, of, and make other revisions as necessary to, Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code to (1) give the Planning and Development Department Director the authority to grant two year time extensions to permits if required due to an economic hardship resulting from the current economic situation and (2) extend the expiration of the hardship time extension provisions January 12, 2012 to January 12, 2015 unless extended by the Board of Supervisors. Hardship time extensions are in addition to time extensions already provided for in the Article II Coastal Zoning Ordinance. In order to approve such a time extension the request for the time extension shall be filed with the Department prior to the expiration of the permit, and all the findings for approval that were made when the project was initially approved must still be able to be made. The action of the Director on the application is subject to appeal to either the County or Montecito the Planning Commission depending on the location of the project.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

Cite specific CEQA Guideline Section: Section 15061(b)(3), the general rule exemption, states that 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 that the activity is not subject to CEQA.

Reasons to support exemption findings: The proposed amendment only revises post approval procedures to give the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, additional two-year time extensions to approved permits in addition to the existing time extensions allowed by Article II. Hardship time extensions could be granted by the Director either before or after a time extension is approved in compliance with the existing Article II provisions.

Such permits have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including applicable Community and Area Plans, and Article II. The amendment does not affect any existing permit requirements for

development, nor does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

---

Department/Division Representative

Date

Acceptance Date (date of final action on project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff  
11ORD-00000-00026 file

**ATTACHMENT I: 11ORD-00000-00026 ARTICLE II CZO ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 11, PERMIT PROCEDURES, AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00026

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

**SECTION 1:**

DIVISION 35.11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179A to read as follows:

**Section 35-179A. Time Extensions Due to Economic Hardship.**

**Section 35-179A.1**

In addition to the time extensions provided in Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits), Section 35-174 (Development Plans), Section 35-178 (Land Use Permits) and Section 35-179 (Modifications), the Director for good cause may extend the expiration of a planning permit approved or issued in compliance with those Sections for additional 24 month periods in compliance with the following:

1. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.
2. The application for the Time Extension is filed with the Department in compliance with the following:
  - a) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
  - b) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
3. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
4. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Section 35-179A shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

**SECTION 2:**

Except as amended by this Ordinance, DIVISION 35.11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 3:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

## ATTACHMENT J: 11ORD-00000-00028 MGMO FINDINGS

### 1.0. CEQA FINDINGS

#### 1.1 CEQA Guidelines Exemption Finding.

The Board of Supervisors finds that the proposed project, 11ORD-00000-00028, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment K, Notice of Exemption.

### 2.0 ADMINISTRATIVE FINDINGS.

The Board of Supervisors shall make the following findings in order to approve a text amendment to the MGMO.

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

The proposed ordinance amendment is in the interest of the general community welfare since it provides a mechanism to extend the life of approved allocations issued in compliance with the MGMO beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be issued new allocations through the normal allocation process.

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

Adoption of the proposed ordinance amendment will merely provide the capability to extend the expiration of allocations issued in compliance with MGMO for additional two year periods. This does not conflict with any policies and standards of the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan. Any permit approved in compliance with such an allocation will be required to be consistent with the policies and standards of the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan, the Article II Coastal Zoning Ordinance, and the Montecito Land Use and Development Code, as applicable. The proposed ordinance amendment is also consistent with the remaining portions of the MGMO that would not be revised by this amendment.

Therefore, this amendment may be found consistent with the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan, the Article II Coastal Zoning Ordinance, and the Montecito Land Use and Development Code.

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

The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it only provides for additional time extensions of allocations issued in compliance with the MGMO

which paces development within the Montecito Community Plan area in order to protect community and environmental values and resources.



**ATTACHMENT K: 11ORD-00000-00028 MGMO NOTICE OF EXEMPTION**

**NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Noel Langle, Senior Planner  
Planning and Development Department

The project or activity identified below is determined to be categorically exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 as defined in the State and County guidelines for the implementation of CEQA.

**APN(s):** Not applicable.

**Case No.:** 11ORD-00000-00028

**Location:** The proposed ordinance amendment would apply solely to the unincorporated area of Santa Barbara County located within the Montecito Community Plan Area.

**Project Title:** Economic Hardship Time Extensions Ordinance Amendment.

**Project Description:** 11ORD-00000-00028 proposes to amend Chapter 35B, the Montecito Growth Management Ordinance (MGMO), of the County Code to (1) give the Planning and Development Department Director the authority to grant two year time extensions to unexpired allocations that have been issued in compliance with Chapter 35B due to an economic hardship resulting from the current economic situation and (2) extend the expiration of the hardship time extension provisions January 12, 2012 to January 12, 2015 unless extended by the Board of Supervisors. Hardship time extensions are in addition to time extensions already provided for in the MGMO. In order to approve such an time extension the request for the time extension shall be filed with the Department prior to the expiration of the allocation, and all the findings for approval that were made when the project was initially approved must still be able to be made.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect Section 15061(b)(3)

**Cite specific CEQA Guideline Section:** Section 15061(b)(3), the general rule exemption, states that 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 that the activity is not subject to CEQA.

**Reasons to support exemption findings:** The proposed amendment gives the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, additional two-year time extensions to unexpired allocations that have been issued in compliance with the MGMO. This would be in addition to the existing time extension allowed by the MGMO, and could be granted by the Director either before or after a time extension is approved in compliance with the existing the MGMO provisions.

Any development approved in compliance with such allocations will be reviewed in compliance with the California Environmental Quality Act and will be required to be consistent with the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan, the Article II Coastal Zoning Ordinance and the Montecito Land Use and Development Code, as applicable. The amendment does not affect any existing permit requirements for development, nor

does it revise any existing development standards and policies that apply to applications for proposed development. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

---

Department/Division Representative

Date

Acceptance Date (date of final action on project): \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Distribution: (for posting six days prior to action, and posting original after project approval)

Hearing Support Staff  
11ORD-00000-00028 file

**ATTACHMENT L: 11ORD-00000-00028 MGMO ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 35B, THE MONTECITO GROWTH MANAGEMENT ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SUBSECTION 6.9 OF SECTION 35B-6, PROCEDURES FOR ALLOCATION, REGARDING THE PROVISION OF AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR ACTIVE, UNEXPIRED ALLOCATIONS FOR NEW DWELLINGS.

Case No. 11ORD-00000-00028

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

**SECTION 1:**

SECTION 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 6.9.1 of Subsection 6.9 to read as follows:

6.9.1 In addition to the 90 day time extension provided in Subsection 6.9, above, the Director for good cause may extend ~~one time~~ the expiration of an active, unexpired allocation for ~~an~~ additional 24 months periods in compliance with the following:

- a. The Director has determined that ~~an additional~~ a time extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
- b. The application for the time extension ~~request~~ is filed with the Department in compliance with the following: ~~before the expiration of the allocation that is the subject of the time extension request.~~
  - (1) The application shall be filed prior to the expiration of the allocation that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the allocation would otherwise expire.

This Subsection 6.9.1 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

**SECTION 2:**

SECTION 35B-9, Modification and Amendment of Ordinance, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 9.7 to read as follows:

9.10 The need to allow the Director of the Planning and Development Department to grant additional time extensions to active, unexpired allocations, and to extend the period of time in which these time extensions may be approved, due to the continuing national economic downturn.

**SECTION 3:**

Except as amended by this Ordinance, Section 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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.

SECTION 5:

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT M: 11ORD-00000-00024 COUNTY LUDC RESOLUTION AND ORDINANCE**

**RESOLUTION OF THE SANTA BARBARA COUNTY 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 35-1 OF ) RESOLUTION NO.: 11 - 25  
CHAPTER 35 OF THE COUNTY CODE, THE )  
SANTA BARBARA COUNTY LAND USE AND ) CASE NO.: 11ORD-00000-00024  
DEVELOPMENT CODE, REGARDING TIME )  
EXTENSIONS FOR APPROVED DEVELOPMENT )  
DUE TO ECONOMIC HARDSHIP )  
CONSIDERATIONS. )

**WITH REFERENCE TO THE FOLLOWING:**

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Land Use and Development Code, Section 35-1 of Chapter 35 of the Santa Barbara County Code; and
- B. The County 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. 11ORD-00000-00024) amending Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, regarding the provision of additional two-year time extensions for approved development including the extension of the regulations from January 12, 2012 to January 12, 2015.

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 Community Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it provides a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.
- E. This County 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.

**NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:**

- 1. The above recitations are true and correct.

2. In compliance with the provisions of Section 65855 of the Government Code, this County 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 County Planning Commission Staff report dated October 21, 2011.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County 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 County Planning Commission.

PASSED, APPROVED AND ADOPTED this November 2, 2011 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

JOE H. VALENCIA, Chair  
Santa Barbara County Planning Commission

ATTEST:

---

DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. 11ORD-00000-00024

**EXHIBIT 1**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.84, POST APPROVAL PROCEDURES, OF ARTICLE 35.8, PLANNING PERMIT PROCEDURES; AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00024

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

SECTION 1:

DIVISION 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection D.8 of Subsection D., Processing, of Section 35.84.030 (Time Extensions) of Chapter 35.84, Post Approval Procedures, to read as follows:

- 8. Time extensions due to economic hardship.** In addition to the time extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for ~~an~~ additional 24 months periods in compliance with the following:
- a. The Director has determined that ~~an additional~~ a Time Extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
  - b. The application for the Time Extension request is filed with the Department in compliance with the following: ~~before the expiration of the planning permit that is the subject of the time extension request.~~
    - (1) The application shall be filed in compliance with Section 35.80.030 (Application Preparation and Filing).
    - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
  - c. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.82 (Permit Review and Decisions) that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
  - d. The action of the Director is final subject to appeal in compliance with Chapter 35.102 (Appeals).

This Subsection D.8 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

SECTION 2:

Except as amended by this Ordinance, Division 35.8 of Section 35-1, the Santa Barbara County 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 3:

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 \_\_\_\_\_, 2011, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



**ATTACHMENT N: 11ORD-00000-00026 ARTICLE II CZO RESOLUTION AND ORDINANCE**

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

IN THE MATTER OF RECOMMENDING TO THE )  
COUNTY BOARD OF SUPERVISORS THE ADOPTION )  
OF AN AMENDMENT TO ARTICLE II, THE SANTA ) RESOLUTION NO.: 11 - 26  
BARBARA COUNTY COASTAL ZONING )  
ORDINANCE, OF CHAPTER 35, ZONING, OF THE ) CASE NO.: 11ORD-00000-00026  
COUNTY CODE REGARDING TIME EXTENSIONS )  
FOR APPROVED DEVELOPMENT DUE TO )  
ECONOMIC HARDSHIP CONSIDERATIONS. )

**WITH REFERENCE TO THE FOLLOWING:**

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The County 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. 11ORD-00000-00026) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, regarding the provision of additional two-year time extensions for approved development including the extension of the regulations from January 12, 2012 to January 12, 2015.  
  
Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, the Santa Barbara County Comprehensive Plan including the Community Plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it provides a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.
- E. This County 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.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, this County 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 County Planning Commission, based on the findings included as Attachment D of the County Planning Commission staff report dated October 21, 2011.

3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this County 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 County Planning Commission.

PASSED, APPROVED AND ADOPTED this November 2, 2011 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

JOSEPH H. VALENCIA, Chair  
Santa Barbara County Planning Commission

ATTEST:

---

DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. 11ORD-00000-00026

**EXHIBIT 1**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING DIVISION 11, PERMIT PROCEDURES, AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 11ORD-00000-00026

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

**SECTION 1:**

DIVISION 35.11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-179A to read as follows:

**Section 35-179A. Time Extensions Due to Economic Hardship.**

**Section 35-179A.1**

In addition to the time extensions provided in Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits), Section 35-174 (Development Plans), Section 35-178 (Land Use Permits) and Section 35-179 (Modifications), the Director for good cause may extend the expiration of a planning permit approved or issued in compliance with those Sections for additional 24 month periods in compliance with the following:

1. The Director has determined that a Time Extension is necessary due to an economic hardship resulting from the continuing national economic downturn.
2. The application for the Time Extension is filed with the Department in compliance with the following:
  - a) The application shall be filed in compliance with Section 35-57A (Application Preparation and Filing).
  - b) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
3. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable findings for approval that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
4. The action of the Director is final subject to appeal in compliance with Section 35-182 (Appeals).

This Section 35-179A shall expire, and be of no further force or effect, on January 12, 2015, unless extended by ordinance.

**SECTION 2:**

Except as amended by this Ordinance, DIVISION 35.11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 3:**

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Time Extensions Due To Economic Hardship**  
**Ordinance Amendment Staff Report**

Hearing Date: November 2, 2011  
Staff Report Date: October 21, 2011

Case No. 11ORD-00024, -00026, & -00027

Environmental Document: CEQA Guidelines Section 15061(b)(3)

Development Services Director: Dianne Black  
Staff Contact: Noel Langle

Phone No.: 805.568.2067

## 1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Case No. 11ORD-00000-00024.** Adopt by resolution a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 11ORD-00000-00024) amending Article 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment C;
- 1.2 Case No. 11ORD-00000-00026.** Adopt by resolution a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 11ORD-00000-00026) amending Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment F;
- 1.3 Case No. 11ORD-00000-00027.** Receive a briefing on Case No. 11ORD-00000-00027, an ordinance amending Chapter 21, Land Division, of the Santa Barbara County Code, as set forth in Attachment G; and,

These amendments will extend the period of time in which the Director may grant a two year time extension to approved permits and projects due to economic hardship considerations from January 12, 2012 to January 12, 2015, and provide that more than one such extension may be granted by the Director.

## 2.0 RECOMMENDATIONS AND PROCEDURES

- 2.1 Case No. 11ORD-00000-00024.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00024 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:
  1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval, including CEQA findings, of the proposed amendment (Attachment A);
  2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
  3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 11ORD-00000-00024, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

- 2.2 Case No. 11ORD-00000-00026.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00026 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:
1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval, including CEQA findings, of the proposed amendment (Attachment D);
  2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment E); and,
  3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 11ORD-00000-00026, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment F).
- 2.3 Case No. 11ORD-00000-00027.** Receive a briefing on Case No. 11ORD-00000-00027, an ordinance amending Chapter 21, Land Division, of the Santa Barbara County Code, as set forth in Attachment G and provide comments to Planning and Development Department staff.

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

### **3.0 JURISDICTION**

- 3.1 Case No. 11ORD-00000-00024.** This project amending the County Land Use and Development Code (County LUDC) is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the County LUDC. The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Community Plan Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.
- 3.2 Case No. 11ORD-00000-00026.** This project amending the Article II Coastal Zoning Ordinance (Article II) is being considered by the County Planning Commission in compliance with Section 65855 of the Government Code and Section 35-180.5 of the Santa Barbara County Coastal Zoning Ordinance (Article II). The Government Code and Article II require that the County Planning Commission, as the designated planning agency for the Coastal Zone portion of the unincorporated area of the County, review and consider proposed amendments to Article II and provide a recommendation to the Board of Supervisors.
- 3.3 Case No. 11ORD-00000-00028.** Amendments to Chapter 21 are not required to be reviewed by either the County or Montecito Planning Commission as there are no provisions in Chapter 21 that require such review; therefore, this briefing is presented for informational purposes only. However, the Planning and Development Department will transmit comments by your Commission on the proposed amendment to the Board of Supervisors if desired.

### **4.0 ISSUE SUMMARY AND BACKGROUND**

In 2009 the County Board of Supervisors, in response to the ongoing economic recession, approved ordinances amending the County and Montecito Land Use and Development Codes, the Article II Coastal Zoning Ordinance, the Montecito Growth Management Ordinance, and Chapter 21 (for lot line

adjustments only) of the County Code that gave the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the economic situation, a two-year time extension to approved permits and projects. The hardship time extension is in addition to the existing time extensions allowed by the County and Montecito Land Use and Development Codes, the Article II Coastal Zoning Ordinance, the Montecito Growth Management Ordinance, and Chapter 21, and can be granted by the Director either before or after a time extension is approved in compliance with the existing County and Montecito Land Use and Development Codes, the Article II Coastal Zoning Ordinance, Montecito Growth Management Ordinance, and Chapter 21 provisions. The adopted regulations also require that the request for the time extension be filed with the Department prior to the expiration of the permit, and that all the findings for approval that were made when the project was initially approved can still be made. The action of the Director on the application is subject to appeal to the Planning Commission. The expectation in 2009 was that the economy would rebound in several years, and so the ordinance provided that the hardship time extension provisions would expire on January 1, 2012 unless extended by the Board of Supervisors.

It is now apparent that the national and local economies are not recovering as quickly as previously thought such that the need for hardship time extensions will extend beyond January 1, 2012. Therefore, the Planning and Development Department is now recommending that the County and Montecito Land Use and Development Codes, the Article II Coastal Zoning Ordinance, the Montecito Growth Management Ordinance, and Chapter 21 be amended to extend the expiration date to January 12, 2015, and allow more than one 24 month hardship time extension to be granted by the Director. The requirements that the request for the time extension be filed with the Department prior to the expiration of the planning permit, and that all the findings for approval that were made when the project was initially approved can still be made, are not changed. However, new language is proposed to be added that only allows an application for a hardship time exemption to be submitted within the six month period preceding the date that the planning permit would otherwise expire. The purpose of this is to prevent an applicant from obtaining a 24 month hardship time exemption and then immediately submitting an application for an additional 24 month hardship time extension.

## **5.0 ENVIRONMENTAL REVIEW**

The proposed amendments are recommended to be determined to be exempt from environmental review in compliance with Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA) which states that 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 that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments as discussed in Attachments B and E.

## **6.0 POLICY CONSISTENCY**

Adoption of the proposed ordinances subject to review by the County Planning Commission will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan including the Community Plans and the Coastal Land Use Plan. In order to approve any application that results from these ordinances, the original findings for approval would have to be made, including the finding that the project is consistent with the Comprehensive Plan including the Community Plans and the Coastal Land Use Plan.

## **7.0 ORDINANCE COMPLIANCE**

The proposed ordinances subject to review by the County Planning Commission are consistent with the remaining portions of the County Land Use and Development Code and the Article II Coastal Zoning

Ordinance that are not revised by these ordinances.

## **8.0 PROCEDURES**

- 8.1 Case No. 11ORD-00000-00024.** The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amending the County Land Use and Development Code to the County Board of Supervisors.
- 8.2 Case No. 11ORD-00000-00026.** The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amending the Article II Coastal Zoning Ordinance to the County Board of Supervisors.
- 8.3 Case No. 11ORD-00000-00027.** The County Planning Commission may provide comments on the proposed amendment to Chapter 21 to the Planning and Development Department to transmit to the Board of Supervisors if desired.

## **9.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **10.0 ATTACHMENTS**

### **Case No. 11ORD-00000-00024 County LUDC**

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Ordinance

### **Case No. 11ORD-00000-00026 ARTICLE II CZO**

- D. Findings
- E. CEQA Notice of Exemption
- F. Resolution and Ordinance

### **Case No. 11ORD-00000-00027 CHAPTER 21 LAND DIVISION**

- G. Ordinance



**ATTACHMENT P: 11ORD-00000-00025 MONTECITO LUDC RESOLUTION AND ORDINANCE**

**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 OF ) RESOLUTION NO.: 11 - 22  
CHAPTER 35 OF THE COUNTY CODE, THE )  
SANTA BARBARA COUNTY MONTECITO LAND ) CASE NO.: 11ORD-00000-00025  
USE AND DEVELOPMENT CODE, REGARDING )  
TIME EXTENSIONS FOR APPROVED )  
DEVELOPMENT DUE TO ECONOMIC HARDSHIP )  
CONSIDERATIONS. )

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- 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. 11ORD-00000-00025) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, regarding the provision of additional two-year time extensions for approved development including the extension of the regulations from January 12, 2012 to January 12, 2015.

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.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it provides a mechanism to extend the life of approved permits beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be re-approved through the normal permit process.
- 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.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.

2. 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 October 10, 2011.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. 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 October 26, 2011 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

JACK OVERALL, Chair  
Santa Barbara County Montecito Planning Commission

ATTEST:

---

DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. 11ORD-00000-00025

## EXHIBIT 1

### 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 CHAPTER 35.474, POST APPROVAL PROCEDURES, OF DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; AND MAKE OTHER MINOR REVISIONS AS NECESSARY REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR APPROVED DEVELOPMENT.

Case No. 09ORD-00000-00012

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

#### SECTION 1:

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 amended to amend Subsection D.8 of Subsection D., Processing, of Section 35.474.030 (Time Extensions) of Chapter 35.474, Post Approval Procedures, to add a new Subsection D.8 to read as follows:

- 8. Time extensions due to economic hardship.** In addition to the time extensions provided in Subsection D.1 through Subsection D.7 above, the Director for good cause may extend the expiration of a planning permit for ~~an~~ additional 24 months periods in compliance with the following:
- a. The Director has determined that ~~an additional~~ a Time Extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
  - b. The application for the Time Extension ~~request~~ is filed with the Department in compliance with the following: before the expiration of the planning permit that is the subject of the time extension request.
    - (1) The application shall be filed in compliance with Section 35.470.030 (Application Preparation and Filing).
    - (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the planning permit would otherwise expire.
  - c. A time extension application shall be approved or conditionally approved only if the Director first finds that applicable determination or findings for approval required in compliance with Chapter 35.472 (Permit Review and Decision) that were made in conjunction with the initial approval of the planning permit for which the time extension is requested can still be made.
  - d. The action of the Director is final subject to appeal in compliance with Chapter 35.492 (Appeals).

This Subsection D.8 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

#### SECTION 2:

Except as amended by this Ordinance, Division 35.7 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 3:

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel

**ATTACHMENT Q: 11ORD-00000-00028 MGMO RESOLUTION AND ORDINANCE**

**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 CHAPTER 35B OF THE ) RESOLUTION NO.: 11 - 24  
COUNTY CODE TO AMEND THE MONTECITO )  
GROWTH MANAGEMENT ORDINANCE ) CASE NO.: 11ORD-00000-00028  
REGARDING TIME EXTENSIONS DUE TO )  
ECONOMIC HARDSHIP CONSIDERATIONS. )

WITH REFERENCE TO THE FOLLOWING:

- A. On March 12, 1991, by Ordinance 3916, the Board of Supervisors adopted the Montecito Growth Management Ordinance as Chapter 35B of the Santa Barbara County Code; and
- 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. 11ORD-00000-00028) amending Chapter 35B of the Santa Barbara County Code regarding the provision of additional two-year time extensions for unexpired allocations for new dwellings issued in compliance with Chapter 35B including the extension of the regulations from January 12, 2012 to January 12, 2015.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed Ordinance is consistent with the Comprehensive Plan including the Montecito Community Plan and the Coastal Land Use Plan, the Coastal Act of 1976, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance amendment is in the interest of the general community welfare since it provides a mechanism to extend the life of approved allocations beyond the expected period of the current economic downturn, thus allowing approved projects that can create local jobs and provide additional revenue to the County through increases in property and sales taxes be constructed without having to be issued new allocations through the normal allocation process.
- 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.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. 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 Montecito Planning Commission, based on the findings

included as Attachment H of the Montecito Planning Commission staff report dated October 26, 2011.

3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. 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 October 26, 2011 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

JACK OVERALL, Chair  
Santa Barbara County Montecito Planning Commission

ATTEST:

---

DIANNE MEESTER BLACK  
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel

EXHIBITS:

1. 11ORD-00000-00028

**EXHIBIT 1**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 35B, THE MONTECITO GROWTH MANAGEMENT ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING SUBSECTION 6.9 OF SECTION 35B-6, PROCEDURES FOR ALLOCATION, REGARDING THE PROVISION OF AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR ACTIVE, UNEXPIRED ALLOCATIONS FOR NEW DWELLINGS.

Case No. 11ORD-00000-00028

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

**SECTION 1:**

SECTION 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 6.9.1 of Subsection 6.9 to read as follows:

- 6.9.1 In addition to the 90 day time extension provided in Subsection 6.9, above, the Director for good cause may extend ~~one time~~ the expiration of an active, unexpired allocation for ~~an~~ additional 24 months periods in compliance with the following:
- a. The Director has determined that ~~an additional~~ a time extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
  - b. The application for the time extension ~~request~~ is filed with the Department in compliance with the following: ~~before the expiration of the allocation that is the subject of the time extension request.~~
    - (1) The application shall be filed prior to the expiration of the allocation that is the subject of the time extension request; however, an application may only be filed within the six month period immediately preceding the date that the allocation would otherwise expire.

This Subsection 6.9.1 shall expire, and be of no further force or effect, on January 12, ~~2012~~ 2015, unless extended by ordinance.

**SECTION 2:**

SECTION 35B-9, Modification and Amendment of Ordinance, of Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35B of the Santa Barbara County Code, is amended to amend Subsection 9.7 to read as follows:

- 9.10 The need to allow the Director of the Planning and Development Department to grant additional time extensions to active, unexpired allocations, and to extend the period of time in which these time extensions may be approved, due to the continuing national economic downturn.

**SECTION 3:**

Except as amended by this Ordinance, Section 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management Ordinance, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 4:**

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or 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.

SECTION 5:

Within the non-Coastal Zone portion of Santa Barbara County, 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 \_\_\_\_\_, 2011, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
JONI GRAY  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL  
County Counsel

By \_\_\_\_\_  
Deputy County Counsel



**SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION**  
**Time Extensions Due To Economic Hardship**  
**Ordinance Amendment Staff Report**

Hearing Date: October 26, 2011

Staff Report Date: October 10, 2011

Case No. 11ORD-00025, -00026, -00027 & -00028

Environmental Document: CEQA Guidelines Section 15061(b)(3)

Development Services Director: Dianne Black

Staff Contact: Noel Langle

Phone No.: 805.568.2067

## 1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 **Case No. 11ORD-00000-00025.** Adopt by resolution a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 11ORD-00000-00025) amending 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 County Code, as set forth in Attachment C;
- 1.2 **Case No. 11ORD-00000-00026.** Adopt by resolution a recommendation to the County Planning Commission that they recommend to the Board of Supervisors that they adopt an ordinance (Case No. 11ORD-00000-00026) amending Division 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment F;
- 1.3 **Case No. 11ORD-00000-00027.** Receive a briefing on Case No. 11ORD-00000-00027, an ordinance amending Chapter 21, Land Division, of the Santa Barbara County Code, as set forth in Attachment G; and,
- 1.4 **Case No. 11ORD-00000-00028.** Adopt by resolution a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 11ORD-00000-00028) amending Section 6.9.1 of Section 35B-6, Procedures for Allocation, of Chapter 35B, Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment J.

These amendments will extend the period of time in which the Director may grant a two year time extension to approved permits and projects due to economic hardship considerations from January 12, 2012 to January 12, 2015, and provide that more than one such extension may be granted by the Director.

## 2.0 RECOMMENDATIONS AND PROCEDURES

- 2.1 **Case No. 11ORD-00000-00025.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00025 as shown in Attachment C based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval, including CEQA findings, of the proposed amendment (Attachment A);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 11ORD-00000-00025, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

**2.2 Case No. 11ORD-00000-00026.** Follow the procedures outlined below and recommend to the County Planning Commission that they recommend to the Board of Supervisors that the Board approve Case No. 11ORD-00000-00026 as shown in Attachment F based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval, including CEQA findings, of the proposed amendment (Attachment D);
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board of Supervisors that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment E); and,
3. Adopt a recommendation to the County Planning Commission that the County Planning Commission adopt a Resolution recommending that the Board of Supervisors approve Case No. 11ORD-00000-00026, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment F).

**2.3 Case No. 11ORD-00000-00027.** Receive a briefing on Case No. 11ORD-00000-00027, an ordinance amending Chapter 21, Land Division, of the Santa Barbara County Code, as set forth in Attachment G and provide comments to Planning and Development Department staff.

**2.4 Case No. 11ORD-00000-00028.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 11ORD-00000-00028 as shown in Attachment J based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the findings for approval, including CEQA findings, of the proposed amendment (Attachment H);
2. Recommend that the Board of Supervisors determine that this ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment I); and,

3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 11ORD-00000-00028, an ordinance amending Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment J).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

### **3.0 JURISDICTION**

- 3.1 Case No. 11ORD-00000-00025.** This project amending the Montecito Land Use and Development Code (Montecito LUDC) is being considered by the Montecito Planning Commission based upon Section 65855 of the Government Code and Section 35.494.050 of the Santa Barbara County Montecito LUDC. The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.
- 3.2 Case No. 11ORD-00000-00026.** This project amending the Article II Coastal Zoning Ordinance (Article II) is being considered by the Montecito Planning Commission in compliance with Section 2-25.2 of Chapter 2 of the Santa Barbara County Code that provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to Article II of Chapter 35 of the County Code that will affect land use decisions within the Coastal Zone portion of the Montecito Community Plan Area.
- 3.3 Case No. 11ORD-00000-00028.** Amendments to Chapter 21 are not required to be reviewed by either the County or Montecito Planning Commission as there are no provisions in Chapter 21 that require such review; therefore, this briefing is presented for informational purposes only. However, the Planning and Development Department will transmit comments by your Commission on the proposed amendment to the Board of Supervisors if desired.
- 3.4 Case No. 11ORD-00000-00028.** This project amending the Montecito Growth Management Ordinance (MGMO) is being considered by the Montecito Planning Commission based upon Section 65855 of the Government Code which requires that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the MGMO and provide a recommendation to the Board of Supervisors.

### **4.0 ISSUE SUMMARY AND BACKGROUND**

In 2009 the County Board of Supervisors, in response to the ongoing economic recession, approved ordinances amending the County and Montecito Land Use and Development Codes, the Montecito Growth Management Ordinance, and Chapter 21 (for lot line adjustments only) of the County Code that gave the Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the economic situation, a two-year time extension to approved permits and projects. The hardship time extension is in addition to the existing time extensions allowed by the County and Montecito Land Use and Development Codes, the Montecito Growth Management Ordinance, and Chapter 21, and can be granted by the Director either before or after a time extension is approved in compliance with the existing County and Montecito Land Use and Development Codes,

Montecito Growth Management Ordinance, and Chapter 21 provisions. The adopted regulations also require that the request for the time extension be filed with the Department prior to the expiration of the permit, and that all the findings for approval that were made when the project was initially approved can still be made. The action of the Director on the application is subject to appeal to the Planning Commission. The expectation in 2009 was that the economy would rebound in several years, and so the ordinance provided that the hardship time extension provisions would expire on January 1, 2012 unless extended by the Board of Supervisors.

It is now apparent that the national and local economies are not recovering as quickly as previously thought such that the need for hardship time extensions will extend beyond January 1, 2012. Therefore, the Planning and Development Department is now recommending that the County and Montecito Land Use and Development Codes, the Montecito Growth Management Ordinance, and Chapter 21 be amended to extend the expiration date to January 12, 2015, and allow more than one 24 month hardship time extension to be granted by the Director. The requirements that the request for the time extension be filed with the Department prior to the expiration of the planning permit, and that all the findings for approval that were made when the project was initially approved can still be made, are not changed. However, new language is proposed to be added that only allows an application for a hardship time exemption to be submitted within the six month period preceding the date that the planning permit would otherwise expire. The purpose of this is to prevent an applicant from obtaining a 24 month hardship time exemption and then immediately submitting an application for an additional 24 month hardship time extension.

The proposed amendment to the Montecito Growth Management Ordinance, besides extending the ability of the Director to grant time extensions to active, unexpired allocations, to January 12, 2015, also includes amending Section 35B-9 (Modification and Amendment of Ordinance) add a new Subsection 9.7 that reads "The need to allow the Director of the Planning and Development Department to grant additional time extensions to active, unexpired allocations, and to extend the period of time in which these time extensions may be approved, due to the continuing national economic downturn." Adding this Subsection 9.7 gives the Board of Supervisors the basis to amend the Montecito Growth Management Ordinance to extend the ability of the Director to grant time extensions to active, unexpired allocations, to January 12, 2015.

## **5.0 ENVIRONMENTAL REVIEW**

The proposed amendments are recommended to be determined to be exempt from environmental review in compliance with Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA) which states that 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 that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments as discussed in Attachments B, D, and I.

## **6.0 POLICY CONSISTENCY**

Adoption of the proposed ordinances subject to review by the Montecito Planning Commission will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan including the Montecito Community Plan, the Local Coastal Program, and the Montecito Growth Management Ordinance. In order to approve any application that results from these ordinances, the original findings for approval would have to be made, including the finding that the project is consistent with the Comprehensive Plan and the Montecito Community Plan, the Local

Coastal Program, and the Montecito Growth Management Ordinance.

## **7.0 ORDINANCE COMPLIANCE**

The proposed ordinances subject to review by the Montecito Planning Commission are consistent with the remaining portions of the Montecito Land Use and Development Code, the Article II Coastal Zoning Ordinance, and the Montecito Growth Management Ordinance that are not revised by these ordinances.

## **8.0 PROCEDURES**

**8.1 Case No. 11ORD-00000-00025.** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amending the Montecito Land Use and Development Code to the County Board of Supervisors.

**8.2 Case No. 11ORD-00000-00026.** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amending the Article II Coastal Zoning Ordinance to the County Planning Commission.

**8.3 Case No. 11ORD-00000-00027.** The Montecito Planning Commission may provide comments on the proposed amendment to Chapter 21 to the Planning and Development Department to transmit to the Board of Supervisors if desired.

**8.4 Case No. 11ORD-00000-00028.** The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance amending the Montecito Growth Management Ordinance to the County Board of Supervisors.

## **9.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **10.0 ATTACHMENTS**

### **Case No. 11ORD-00000-00025 MLUDC**

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Ordinance

### **Case No. 11ORD-00000-00026 ARTICLE II CZO**

- D. Findings
- E. CEQA Notice of Exemption
- F. Resolution and Ordinance

### **Case No. 11ORD-00000-00027 CHAPTER 21 LAND DIVISION**

- G. Ordinance

**Case No. 11ORD-00000-00028 (Montecito Growth Management Ordinance)**

- H. Findings
- I. CEQA Notice of Exemption
- J. Resolution and Ordinance