

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF OCTOBER 28, 2020

RE: COVID-19 Temporary Ordinance Amendments Regarding Extending the Time Period for Suspension of Compliance with Certain Requirements of Approved Permits, Nonconforming Uses, and a Hardship Time Extension; 20ORD-00000-00009, 20ORD-00000-00010

Hearing on the request of the County of Santa Barbara Planning and Development Department regarding ordinance amendments to the MLUDC and Article II. The proposed ordinance amendments will extend the expiration of temporary allowances to suspend compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension to accommodate physical distancing due to the COVID-19 virus. The temporary allowances are set to expire on December 16, 2020. The proposed amendments will extend the ordinance expiration date to when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions are terminated earlier by ordinance amendment.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of October 28, 2020, Commissioner Cooney moved, seconded by Commissioner Blough and carried by a vote of 5 to 0 to:

1. Make the required findings for approval of the LUDC ordinance amendment (Attachment A), including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed ordinance amendment;
2. Recommend that the Board of Supervisors determine the LUDC ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15303, 15305, and 15061(b)(3), included as Attachment B of the staff report; and,
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 20ORD-00000-00010, an ordinance amending Section 35-1, the CLUDC, of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment C) with modifications as discussed during the hearing.

4. Make the required findings for approval of the Article II ordinance amendment (Attachment D), including CEQA findings, and recommend that the Board of Supervisors make the findings for approval of the proposed ordinance amendment;
5. Recommend that the Board of Supervisors determine that the Article II ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15303, 15305, 15061(b)(3), and 15265, included as Attachment E of the staff report; and,
6. Adopt a resolution recommending that the Board approve Case No. 20ORD-00000-00009, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code (Article II) (Attachment F) with modifications as discussed during the hearing.

Sincerely,



Jeff Wilson
Secretary Planning Commission

cc: Case File: 20ORD-00000-00009, 20ORD-00000-00010
Planning Commission File
Jeff Wilson, Assistant Director
Jenna Richardson, Deputy County Counsel
Tess Harris, Supervising Planner

Attachments: **Attachment A – 20ORD-00000-00010 Findings**
 Attachment C – 20ORD-00000-00010 Resolution
 Attachment D – 20ORD-00000-00009 Findings
 Attachment F – 20ORD-00000-00009 Resolution

JW/dmv

ATTACHMENT A: 20ORD-00000-00010 COUNTY LUDC FINDINGS

1.0

CEQA FINDINGS

The Board of Supervisors find, that the proposed project, 20ORD-00000-00010, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3), 15301, 15303, and 15305. Please see Attachment 8 to the Board Letter dated November 10, 2020, Notice of Exemption.

2.0

ADMINISTRATIVE FINDINGS

In compliance with Section 35.104.060 of the County Land Use and Development Code (LUDC), the following findings shall be adopted by the Board of Supervisors 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 Board of Supervisors finds that the request is in the interest of the general community welfare because it is a request to amend the expiration date of the Temporary Development Standard Suspension Ordinance that implements regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The revised expiration date would replace “December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier” to “the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.” Since the COVID-19 emergency is still in effect, this change will allow businesses and organizations to operate outside normal limitations to accommodate physical distancing. The ordinance amendment is necessary to allow the Temporary Development Standard Suspension Ordinance to stay in effect to continue to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County, and it supports business and organization operations in a manner that effectively limits the spread of COVID-19. In addition, the extension of the Temporary Development Standard Suspension Ordinance expiration date for COVID-19 related temporary allowances will enable applicable businesses and community entities to reopen and operate, which supports the local economy, provides local employment opportunities, and supports the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19. Finally, the ordinance amendment is temporary in nature and therefore will not cause long-term impacts to communities.

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

The Board of Supervisors finds that the ordinance amendment is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the County Land Use and Development Code because the extension of the Temporary Development Standard Suspension Ordinance expiration date will allow the Temporary Development Standard Suspension Ordinance to stay in effect, and the ordinance will therefore continue to implement regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased reopening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. In addition, the Temporary Development Standard Suspension Ordinance supports economic development and supports a phased reopening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The revised expiration date would replace “December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier” to “the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.”

As described in the Board Letter, dated November 10, 2020 and incorporated herein by reference, the ordinance amendment does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as they are temporary in nature. The suspensions allowed by this extension of the Temporary Development Standard Suspension Ordinance are limited to project changes that are necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19. The extension to continue to allow the temporary suspension of development standards for applicable projects supports the local economy and general welfare of the community by allowing projects to meet state and local public health guidelines for physical distancing, but does not allow projects to operate in violation of any federal, state, or local public health orders.

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

The Board of Supervisors finds that the proposed ordinance amendment is consistent with good zoning and planning practices because the revised expiration date of “the

earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment” will temporarily allow development relief from certain development standards in order to accommodate physical distancing due to COVID-19 safety requirements.

Extending the temporary suspension of compliance with certain requirements of approved permits when necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, state, or local public health officials to limit the spread of COVID-19 will continue to protect the public health and economic development in a manner that effectively limits the spread of COVID-19. The temporary accommodations will allow businesses and community entities that have an approved permit to operate as previously-approved or businesses and community entities that are non-conforming to operate with modifications necessary to protect public health.

The ordinance amendment is further consistent with good zoning and planning practice because it does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as the ordinance amendments are temporary in nature and are drafted to allow applicable projects to comply with state and local mandates to protect public health.

The expiration date change for the COVID-19 related temporary allowances would enable applicable businesses and community entities to reopen and operate, which supports the local economy, provides local employment opportunities, and supports the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19.

ATTACHMENT C: COUNTY LUDC RESOLUTION

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, THE SANTA BARBARA COUNTY LAND USE AND)
DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE)
COUNTY CODE, AMENDING ARTICLE 35.8, PLANNING PERMIT) RESOLUTION NO.: 20 - 15
PROCEDURES, AND ARTICLE 35.10, LAND USE AND)
DEVELOPMENT CODE ADMINISTRATION, TO EXTEND THE TIME) CASE NO.: 20ORD-00000-00010
PERIOD FOR REGULATIONS REGARDING THE TEMPORARY)
SUSPENSION OF CERTAIN REQUIREMENTS OF APPROVED)
PERMITS, LEGAL NON-CONFORMING USES, AND A HARDSHIP)
SUPPORT A PHASED RE-OPENING OF SANTA BARBARA)
TIME EXTENSION TO SUPPORT A PHASED RE-OPENING OF)
SANTA BARBARA COUNTY IN A MANNER THAT PROTECTS)
PUBLIC HEALTH AND EFFECTIVELY LIMITS THE SPREAD OF)
COVID-19)

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.
- B. On March 4, 2020, Governor Newsom declared a State of Emergency related to conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic.
- C. On March 12, 2020, the Health Officer of the County of Santa Barbara determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Santa Barbara, and proclaimed a Local Health Emergency.
- D. On March 17, 2020, the Board of Supervisors ratified the Local Health Emergency proclamation.
- E. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure.

- F. To encourage recovery of businesses, restaurants, retail, and other community entities that were required to close or curtail operations under the Governor's shelter in place Executive Order N-33-20, the County has created the Small Business and Community Partnership Enhancement Program (SBCPEP). This program contemplates how to allow businesses to conduct operations within safe social distancing parameters recommended by the Centers for Disease Control and Prevention as the local community begins a phased reopening.
- G. On June 16, 2020, the Board of Supervisors approved the COVID-19 Temporary Development Standard Suspension Ordinance Amendments (Case Nos. 20ORD-00000-00005, 20ORD-00000-00006, and 20ORD-00000-00007) to implement regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19.
- H. 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. 20ORD-00000-00010) amending Article 35.8 (Planning Permit Procedures) and Article 35.10 (Land Use and Development Code Administration) of Section 35-1 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Land Use and Development Code, to implement new regulations that extend the expiration date of the COVID-19 temporary ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions (LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- I. The proposed Land Use and Development Code ordinance is consistent with the Santa Barbara County Comprehensive Plan including the community and area plans, and the requirements of the California planning, zoning, and development laws, as discussed in Section 5.0 of the staff report, dated October 8, 2020 and incorporated herein by reference.
- J. The proposed ordinance is in the interest of the general community welfare since it will extend the expiration date of the COVID-19 temporary ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions are terminated by ordinance amendment.
- K. The County Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed ordinance at which hearing the proposed ordinance was explained and comments invited from the persons in attendance.

- L. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation, which is to extend the expiration date of the COVID-19 temporary ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions (LUDC Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment, which is hereby identified as consistent, as stated in Section 5.0 of the staff report, dated October 8, 2020, and incorporated herein by reference.

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, the 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 ordinance Case No. 20ORD-00000-00010, based on the findings included as Attachment A of the County Planning Commission Staff Report dated October 8, 2020.
3. The County Planning Commission endorses and transmits a certified copy of this resolution to the Board of Supervisors in compliance with Government Code Section 65855 and Section 2-25.2 of the County Code.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents, and other materials in accordance with this resolution to show the above described action by the County Planning Commission.

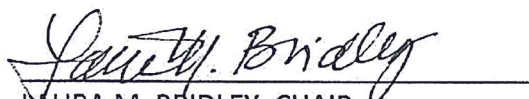
PASSED, APPROVED AND ADOPTED this October 28, 2020, by the following vote:

AYES: Cooney, Bridley, Parke, Ferini, Blough

NOES:

ABSTAIN:

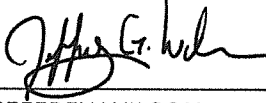
ABSENT:



LAURA M. BRIDLEY, CHAIR

SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:



JEFFREY WILSON
SECRETARY TO THE COUNTY PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By  _____
Deputy County Counsel

EXHIBITS:

1. 20ORD-00000-00010

CLUDC ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (CLUDC), TO EXTEND THE TIME PERIOD FOR REGULATIONS REGARDING THE TEMPORARY SUSPENSION OF COMPLIANCE WITH CERTAIN REQUIREMENTS OF APPROVED PERMITS AND NONCONFORMING USES TO SUPPORT A RE-OPENING OF SANTA BARBARA COUNTY IN A MANNER THAT PROTECTS PUBLIC HEALTH AND EFFECTIVELY LIMITS THE SPREAD OF COVID-19 AND PROVIDE FOR TIME EXTENSIONS DUE TO HARDSHIPS RELATED TO COVID-19 BY AMENDING: ARTICLE 35.8, PLANNING PERMIT PROCEDURES; AND ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION.

Case No. 20ORD-00000-00010

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

SECTION 1:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to revise Subsection (2), of Subsection b, of Subsection 8, Time extensions due to hardship related to COVID-19, of Subsection D. Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, to read as follows:

- (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and ~~before December 16, 2020, or when~~ before the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated earlier by ordinance amendment, whichever is earlier.

SECTION 2:

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to revise Subsection a, Temporary time period, of Subsection 4 of Subsection B, Expansion or extension, of Section 35.101.020, Nonconforming Uses of Land and Structures, of Chapter 35.101, Nonconforming Uses, Structures, and Lots, to read as follows:

- a. **Temporary time period.** This provision shall take effect on June 16, 2020 and expire ~~on December 16, 2020 or the earlier of when~~ the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment, whichever is earlier.

SECTION 3:

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to revise Subsection 1, Temporary time period, of Subsection C, Temporary suspension of compliance in order to protect public health, of Section 35.108.090, Penalty for Violation of Conditions, of Chapter 35.108, Enforcement and Penalties, to read as follows:

1. **Temporary time period.** Subsections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B, and 35.108.090.C (ordinance amendments related to COVID-19) shall take effect on June 16, 2020 and expire ~~on December 16, 2020~~ or the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35.84.040.A.1, 35.84.030.D.8, 35.84.040.F, 35.101.020.B.4, and 35.108.090.C) are terminated by ordinance amendment, whichever is earlier.
 - a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.

SECTION 4:

All existing indices, section references and numbering, and figure and table numbers contained in the CLUDC are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, the CLUDC shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in full force 30 days from the date of its passage and shall remain in effect and operative until the County declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus to be terminated or when the COVID-19 provisions are terminated earlier by ordinance amendment. 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. Unless otherwise extended or amended by the Board, upon expiration this ordinance, it shall be repealed and shall be of no further force or effect.

SECTION 7:

Public health restrictions related to COVID-19 are subject to rapid change. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority. For example, the Board of Supervisors may still take action(s) later to change or remove the temporary suspension and may do so without the temporary changes to a project receiving: 1) an amortization period prior to removal; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Deputy County Counsel

ATTACHMENT D: 20ORD-00000-00009 ARTICLE II FINDINGS

3.0 CEQA FINDINGS

The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 20ORD-00000-00009, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, 15305, and 15265. Please see Attachment E to the Staff Report dated October 8, 2020, Notice of Exemption.

4.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance (Article II), the following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to Article II, and the Board of Supervisors shall adopt 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 County Planning Commission finds that the request is in the interest of the general community welfare because it is a request to amend the expiration date of the Temporary Development Standard Suspension Ordinance that implements regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The revised expiration date would replace “December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier” to “the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment.” Since the COVID-19 emergency is still in effect, this change will allow businesses and organizations to operate outside normal limitations to accommodate physical distancing. The ordinance amendment is necessary to allow the Temporary Development Standard Suspension Ordinance to stay in effect to continue to protect the health, safety, and welfare of the residents in the unincorporated area of Santa Barbara County, and it supports business and organization operations in a manner that effectively limits the spread of COVID-19. In addition, the extension of the Temporary Development Standard Suspension Ordinance expiration date for COVID-19 related temporary allowances will enable applicable businesses and community entities to reopen and operate, which supports the local economy, provides local employment opportunities, and supports the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19. Finally, the ordinance amendment is temporary in nature and therefore will not cause long-term impacts to communities.

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

The County Planning Commission finds that the ordinance amendment is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and the Coastal Zoning Ordinance (Article II) because the extension of the Temporary Development Standard Suspension Ordinance expiration date will allow the Temporary Development Standard Suspension Ordinance to stay in effect, and the ordinance will therefore continue to implement regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased reopening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. In addition, the Temporary Development Standard Suspension Ordinance supports economic development and supports a phased reopening of Santa Barbara County in a manner that effectively limits the spread of COVID-19. The revised expiration date would replace “December 16, 2020 or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier” to “the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment.”

As described in the Planning Commission staff report, dated October 8, 2020 and incorporated herein by reference, the ordinance amendment does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as they are temporary in nature. The suspensions allowed by this extension of the Temporary Development Standard Suspension Ordinance are limited to project changes that are necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, State, or local public health officials to limit the spread of COVID-19. The extension to continue to allow the temporary suspension of development standards for applicable projects supports the local economy and general welfare of the community by allowing projects to meet state and local public health guidelines for physical distancing, but does not allow projects to operate in violation of any federal, state, or local public health orders.

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

The County Planning Commission finds that the proposed ordinance amendment is consistent with good zoning and planning practices because the revised expiration date of “the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment” will temporarily allow development relief from

certain development standards in order to accommodate physical distancing due to COVID-19 safety requirements.

Extending the temporary suspension of compliance with certain requirements of approved permits when necessary to ensure physical distancing and/or comply with other public health requirements put in place by federal, state, or local public health officials to limit the spread of COVID-19 will continue to protect the public health and economic development in a manner that effectively limits the spread of COVID-19. The temporary accommodations will allow businesses and community entities that have an approved permit to operate as previously-approved or businesses and community entities that are non-conforming to operate with modifications necessary to protect public health.

The ordinance amendment is further consistent with good zoning and planning practice because it does not alter the purpose and intent of any policies of the Comprehensive Plan and Community Plans as the ordinance amendments are temporary in nature and are drafted to allow applicable projects to comply with state and local mandates to protect public health.

The expiration date change for the COVID-19 related temporary allowances would enable applicable businesses and community entities to reopen and operate, which supports the local economy, provides local employment opportunities, and supports the general welfare of the population, while meeting state and local public health requirements for physical distancing to effectively limit the spread of COVID-19.

ATTACHMENT F: ARTICLE II RESOLUTION

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 THE)
SANTA BARBARA COUNTY ARTICLE II COASTAL ZONING)
ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE,) RESOLUTION NO.: 20 - 16
AMENDING DIVISION 11, PERMIT PROCEDURES, AND DIVISION)
12 ADMINISTRATION, TO EXTEND THE TIME PERIOD FOR) CASE NO.: 20ORD-00000-00009
REGULATIONS REGARDING THE TEMPORARY SUSPENSION OF)
CERTAIN REQUIREMENTS OF APPROVED PERMITS, LEGAL)
NON-CONFORMING USES, AND A HARDSHIP TIME EXTENSION)
TO SUPPORT A PHASED RE-OPENING OF SANTA BARBARA)
COUNTY IN A MANNER THAT PROTECTS PUBLIC HEALTH AND)
EFFECTIVELY LIMITS THE SPREAD OF COVID-19.)

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.
- B. On March 4, 2020, Governor Newsom declared a State of Emergency related to conditions caused by COVID-19; and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic.
- C. On March 12, 2020, the Health Officer of the County of Santa Barbara determined that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Santa Barbara, and proclaimed a Local Health Emergency.
- D. On March 17, 2020, the Board of Supervisors ratified the Local Health Emergency proclamation.
- E. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure.
- F. To encourage recovery of businesses, restaurants, retail, and other community entities that were required to close or curtail operations under the Governor’s shelter in place Executive Order N-33-20, the County has created the Small Business and Community Partnership Enhancement Program (SBCPEP). This program contemplates how to allow businesses to

conduct operations within safe social distancing parameters recommended by the Centers for Disease Control and Prevention as the local community begins a phased reopening.

- G. On June 16, 2020, the Board of Supervisors approved the COVID-19 Temporary Development Standard Suspension Ordinance Amendments (Case Nos. 20ORD-00000-00005, 20ORD-00000-00006, and 20ORD-00000-00007) to implement regulations regarding the temporary suspension of compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension in order to protect public health and support a phased re-opening of Santa Barbara County in a manner that effectively limits the spread of COVID-19.
- H. 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. 20ORD-00000-00009) amending Division 11 (Permit Procedures) and Division 12 (Administration) of Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations that extend the expiration date of the COVID-19 temporary ordinance amendments to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions (Article II Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- I. The proposed Article II ordinance amendment is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan including the community and area plans, and the requirements of the California planning, zoning, and development laws, as discussed in Section 5.0 of the staff report, dated October 8, 2020 and incorporated herein by reference.
- J. The proposed ordinance is in the interest of the general community welfare since it will authorize the expiration date of the COVID-19 temporary ordinance amendments to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions are terminated by ordinance amendment.
- K. The County Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed ordinance at which hearing the proposed ordinance was explained and comments invited from the persons in attendance.
- L. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation, which is to authorize the expiration date of the COVID-19 temporary ordinance amendments to the earlier of when the Board of Supervisors declares the

proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated, or when the COVID-19 provisions (Article II Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment, which is hereby identified as consistent, as stated in Section 5.0 of the staff report, dated October 8, 2020, and incorporated herein by reference.

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, the 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 ordinance Case No. 20ORD-00000-00009, based on the findings included as Attachment D of the County Planning Commission Staff Report dated October 8, 2020.
3. The County Planning Commission endorses and transmits a certified copy of this resolution to the Board of Supervisors in compliance with Government Code Section 65855 and Section 2-25.2 of the County Code.
4. The Chair of this County Planning Commission is hereby authorized and directed to sign and certify all documents, and other materials in accordance with this resolution to show the above described action by the County Planning Commission.

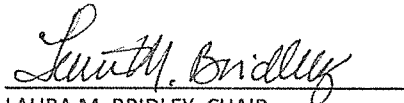
PASSED, APPROVED AND ADOPTED this October 28, 2020, by the following vote:

AYES: Cooney, Bridley, Parke, Ferini, Blough

NOES:

ABSTAIN:

ABSENT:



LAURA M. BRIDLEY, CHAIR

SANTA BARBARA COUNTY PLANNING COMMISSION

ATTEST:



JEFFREY WILSON
SECRETARY TO THE MONTECITO PLANNING COMMISSION

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel

EXHIBITS:

1. 20ORD-00000-00009

ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (ARTICLE II), TO EXTEND THE TIME PERIOD FOR REGULATIONS REGARDING THE TEMPORARY SUSPENSION OF COMPLIANCE WITH CERTAIN REQUIREMENTS OF APPROVED PERMITS AND NONCONFORMING USES TO SUPPORT A RE-OPENING OF SANTA BARBARA COUNTY IN A MANNER THAT PROTECTS PUBLIC HEALTH AND EFFECTIVELY LIMITS THE SPREAD OF COVID-19 AND PROVIDE FOR TIME EXTENSIONS DUE TO HARDSHIPS RELATED TO COVID-19 BY AMENDING: DIVISION 10, NONCONFORMING STRUCTURES AND USES, DIVISION 11, PERMIT PROCEDURES; AND DIVISION 12, ADMINISTRATION.

Case No. 20ORD-00000-00009

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

SECTION 1:

DIVISION 10, Nonconforming Structures and Uses, of Article II, is hereby amended to revise Subsection 1), Temporary time period, of Subsection a. of Subsection 2, Extension or Expansion, of Section 35-161, Nonconforming Use of Land, Buildings and Structures, to read as follows:

- 1) **Temporary time period.** This provision shall be in effect immediately after the Executive Director of the Coastal Commission executes a waiver pursuant to Pub. Resources Code § 30611, and expire ~~on December 16, 2020 or~~ the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment, whichever is earlier.

SECTION 2:

DIVISION 11, Permit Procedures, of Article II, the Santa Barbara County Coastal Zoning Ordinance, is hereby amended to revise Subsection (2), of Subsection b, of Subsection 9, Time extensions due to hardship related to COVID-19, of Subsection D. Processing, of Section 35-179B, Time Extensions, to read as follows:

- (2) The application shall be filed prior to the expiration of the planning permit that is the subject of the Time Extension request and ~~before December 16, 2020, or when~~ before the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated earlier by ordinance amendment, whichever is earlier.

SECTION 3:

DIVISION 12, Administration, of Article II, is hereby amended to revise Subsection 1., Temporary Time Period, of Section 185.9, Temporary Suspension of Compliance in order to Protect Public Health, of Section 35-185, Enforcement, Legal Procedures, and Penalties, to read as follows:

1. **Temporary Time Period.** Sections 35-161.2.a, 35-179B.D.9, 35-179E and 35-185.9 (ordinance amendments related to COVID-19) shall be in effect immediately after the Executive Director of the Coastal Commission executes a waiver pursuant to Pub. Resources Code § 30611, and expire ~~on December 16, 2020, or the earlier of~~ when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions (Sections 35-161.2.a, 35-179B.D.9, 35-179E, and 35-185.9) are terminated by ordinance amendment, whichever is earlier.
 - a. The expiration date of these temporary amendments may be extended or revised by the Board of Supervisors by adoption of future ordinance amendments. Unless otherwise extended or amended by the Board, upon expiration this ordinance, shall be repealed and shall be of no further force or effect.

SECTION 4:

All existing indices, section references and numbering, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Article II, the Santa Barbara County Coastal Zoning Ordinance, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in full force 30 days after the Executive Director of the Coastal Commission executes a waiver pursuant to Pub. Resources Code § 30611 and shall remain in effect and operative until the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions are terminated by ordinance amendment. If the Executive Director does not execute a waiver, 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 shall remain in effect and operative until the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions are terminated by ordinance amendment. 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. Unless otherwise extended or amended by the Board, upon expiration this ordinance, it shall be repealed and shall be of no further force or effect.

SECTION 7:

Public health restrictions related to COVID-19 are subject to rapid change. Even if the Board of Supervisors adopts this Ordinance, the Board of Supervisors retains all of its statutory planning and zoning authority. For example, the Board of Supervisors may still take action(s) later to change or

remove the temporary suspension and may do so without the temporary changes to a project receiving:
1) an amortization period prior to removal; and/or 2) legal nonconforming use status.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GREGG HART, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Deputy County Counsel