



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: 6/23/2009
Placement: Set hearing
Estimated Tme: 45 minutes (on 7/7/2009)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director John Baker (805. 568.2085)
Contact Info: Dianne Black, Development Services Director (805.568.2086)
SUBJECT: Time Extensions Due To Economic Hardship Ordinance Amendments

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 set for hearing of July 7, 2009 to:

- A. Case No. 09ORD-00000-00008:** Consider the recommendation of the County Planning Commission and:
1. Adopt findings for approval of the proposed ordinance (Attachment A);
 2. Find 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 (Attachment B);
 3. Consider the introduction (first reading) of 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) to provide for an additional two year time extension under the jurisdiction of the Director of the Planning and Development Department for approved development; and,
 4. Set for July 14, 2009 the adoption (second reading) of 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) to provide for an additional two year time extension under the jurisdiction of the Director of the Planning and Development Department for approved development.
- B. Case No. 09ORD-00000-00012:** Consider the recommendation of the Montecito Planning Commission and:
1. Adopt findings for approval of the proposed ordinance (Attachment F);

2. Find 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 (Attachment G);
3. Consider the introduction (first reading) of 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 H) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for approved development; and,
4. Set for July 14, 2009 the adoption (second reading) of 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 H) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for approved development.

C. Case No. 90ORD-00000-00014:

1. Adopt findings for approval of the proposed ordinance (Attachment K);
2. Find 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 (Attachment L);
3. Consider the introduction (first reading) of an ordinance amending Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the County Code (Attachment M) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for unexpired allocations issued in compliance with Chapter 35B; and,
4. Set for July 14, 2009 the adoption (second reading) of an ordinance amending Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the County Code (Attachment M) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for unexpired allocations issued in compliance with Chapter 35B.

D. Case No. 90ORD-00000-00015:

1. Adopt findings for approval of the proposed ordinance (Attachment N);
2. Find 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 (Attachment O);
3. Consider the introduction (first reading) of an ordinance amending Chapter 21, Land Division, of the County Code (Attachment P) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for unexpired lot line adjustments approved in compliance with Chapter 21; and,
4. Set for July 14, 2009 the adoption (second reading) of an ordinance amending Chapter 21, Land Division, of the County Code (Attachment P) to provide for a two year time extension under the jurisdiction of the Director of the Planning and Development Department for unexpired lot line adjustments approved in compliance with Chapter 21.

Summary Text:

The national, state and regional economies are currently in a recession. A recent report of the UCLA Anderson Forecast (released March 25, 2009) “links the current national recession to slumping, international economic conditions that will impact the timing and pace of any national recovery.” The Forecast also states that a turnaround in the United States economy depends upon a recovery in world trade” and that “regardless of the steps taken by the United States government, national solutions will not be enough to restore growth and therefore global solutions are essential.” Specific to California, the Forecast says that “the economy will remain in turmoil for the foreseeable future as the twin sector engines of consumers and construction continue to drag” and predicts that California will see “a very weak first three quarters of 2009 and virtually no growth in the fourth quarter of this year. The economy will begin to pick up by 2010 and by the end of next year the state’s economy will begin to grow at something resembling normal levels.”

Because of this situation, many applicants are deferring proceeding with projects that have been recently approved for several reasons, including, in the case of residential developments, that demand for new housing units is substantially depressed, and, for all developments, that construction loans are either not available or the cost of the loan is such that the project would not be profitable.

The existing County and Montecito Land Use and Development Codes, Chapter 21 land division regulations, and the Montecito Growth Management Ordinance all provide for time extensions of varying lengths for approved projects. However, because there is considerable uncertainty regarding when the economy is expected to recover, the existing time extension provisions may not be sufficient to keep projects alive until the economy does recover, such that applicants may be forced to let projects expire.

Therefore, these ordinances are proposed in order to give the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved projects. This would be in addition to the existing time extensions allowed by the County Code, and could be granted by the Director either before or after a time extension is approved in compliance with the existing County Code provisions. As proposed the ordinances would require that:

- The request for the time extension is filed with the Department prior to the expiration of the project.
- All the findings for approval that were made when the project was initially approved can still be made.

The ordinances also provide that the ability of the Director to grant this additional time extension would expire, and be of no further force or effect, on January 1, 2012, unless extended by the Board of Supervisors.

The proposed amendment to Chapter 21 (Land Divisions) only applies to lot line adjustments that have been approved by the County as the expiration of tentative maps (parcel maps and tract maps) if fully regulated by the State Subdivision Map Act. However, in 2008 the State of California granted a one-year time extension to unexpired tentative maps. Also, on May 28, 2009, the Appropriations Committee approved Assembly Bill 333 that would extend the expiration of a tentative map by an additional 24 months.

Please refer to Attachment E (4/8/2009 County Planning Commission report) and Attachment J (4/22/2009 Montecito Planning Commission report) for additional information.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-295 of the adopted Planning and Development Department's budget for fiscal year 2008-09. There are no facilities impacts.

Staffing Impact(s):

Legal Positions:	FTEs:
0	0

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

- A. Case No. 09ORD-00000-00008 Findings
- B. Case No. 09ORD-00000-00008 CEQA Notice of Exemption
- C. Case No. 09ORD-00000-00008 Ordinance
- D. Case No. 09ORD-00000-00008 County Planning Commission Resolution No. 09-11
- E. Case No. 09ORD-00000-00008 6/3/2009 County Planning Commission report (w/o attachments)
- F. Case No. 09ORD-00000-00012 Findings
- G. Case No. 09ORD-00000-00012 CEQA Notice of Exemption
- H. Case No. 09ORD-00000-00012 Ordinance
- I. Case No. 09ORD-00000-00012 Montecito Planning Commission Resolution No. 09-10
- J. Case No. 09ORD-00000-00012 5/27/2009 Montecito Planning Commission report (w/o attachments)
- K. Case No. 09ORD-00000-00014 Findings
- L. Case No. 09ORD-00000-00014 CEQA Notice of Exemption
- M. Case No. 09ORD-00000-00014 Ordinance
- N. Case No. 09ORD-00000-00015 Findings
- O. Case No. 09ORD-00000-00015 CEQA Notice of Exemption
- P. Case No. 09ORD-00000-00015 Ordinance

Authored by:

Noel Langle (805.568.2067)

ATTACHMENT A: FINDINGS

CASE NO. 09ORD-00000-00008

TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP ORDINANCE AMENDMENT

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 following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to the County LUDC, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the County LUDC:

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 recession, 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. The request is consistent with the Comprehensive Plan including the regional Community Plans, the requirements of State planning and zoning laws, and the County LUDC.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the effectiveness of approved permit for an additional two year period. This does not conflict with any policies and standards of the Comprehensive Plan including the regional 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 regional 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 regional Community Plans, the requirements of State Planning and Zoning Laws, and the County LUDC.

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 regional Community Plans, and the County LUDC.

ATTACHMENT B: CEQA 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 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.: 09ORD-00000-00008

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

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

Project Description: 09ORD-00000-00008 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 (LUDC), of Chapter 35, Zoning, of the County Code to give the Planning and Development Director to authority to grant a two year time extension to permits if required due to an economic hardship resulting from the current economic situation.

This extension is in addition to time extensions already provided for in the County Land Use and Development Code.

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 Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved permits. This would be in addition to the existing time extensions allowed by the County LUDC, and 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 regional 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.

Department/Division Representative _____ Date _____

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

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

Hearing Support Staff
09ORD-00000-00008 file

ATTACHMENT C: 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 AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR APPROVED DEVELOPMENT.

Case No. 09ORD-00000-00008

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 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. of Section 35.84.030 (Time Extensions) of Chapter 35.84, Post Approval Procedures, to add a new Subsection D.8 to read as follows:

8. 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 in compliance with the following:
 - a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.
 - 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 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 35.102 (Appeals).

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

SECTION 2:

Except as amended by this Ordinance, Article 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:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance 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 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 4:

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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT D: COUNTY PLANNING COMMISSION 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 OF) RESOLUTION NO.: 09 - 11
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY LAND USE AND) CASE NO.: 09ORD-00000-00008
DEVELOPMENT CODE, REGARDING THE)
PROVISION OF AN ADDITIONAL TWO YEAR)
TIME EXTENSION FOR APPROVED)
DEVELOPMENT.)

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. 09ORD-00000-00008) 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 an additional two-year time extension for approved development.

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 applicable regional Community plans, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.
- E. This 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 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.

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

PASSED, APPROVED AND ADOPTED this June 3, 2009 by the following vote:

AYES: Cooney, Valencia, Blough

NOES: Brown, Brooks

ABSTAIN:

ABSENT:

DANIEL BLOUGH, 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. 09ORD-00000-00008

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 AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR APPROVED DEVELOPMENT.

Case No. 09ORD-00000-00008

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 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. of Section 35.84.030 (Time Extensions) of Chapter 35.84, Post Approval Procedures, to add a new Subsection D.8 to read as follows:

8. 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 in compliance with the following:

- a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.
- b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.
- 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 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 35.102 (Appeals).

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

SECTION 2:

Except as amended by this Ordinance, Article 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:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance 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 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 4:

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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
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: June 3, 2009
Staff Report Date: May 15, 2009
Case No. 09ORD-00000-00008
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 consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00008) amending 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, that would provide a process for 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.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case Nos. 09ORD-00000-00008 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that these amendments are categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 09ORD-00000-00008, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County (Attachment C).

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

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the Santa Barbara County Land Use and Development Code (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 of the Montecito Planning Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

The national, state and regional economies are currently in a recession. In its first quarterly report of 2009 (released March 25th), the UCLA Anderson Forecast “links the current national recession to slumping, international economic conditions that will impact the timing and pace of any national recovery.” The Forecast also states that a turnaround in the United States economy depends upon a recovery in world trade” and that “regardless of the steps taken by the United States government, national solutions will not be enough to restore growth and therefore global solutions are essential.” Specific to California, the Forecast says that “the economy will remain in turmoil for the foreseeable future as the twin sector engines of consumers and construction continue to drag” and predicts that California will see “a very weak first three quarters of 2009 and virtually no growth in the fourth quarter of this year. The economy will begin to pick up by 2010 and by the end of next year the state’s economy will begin to grow at something resembling normal levels.”

Because of this situation, many applicants are deferring proceeding with projects that have been recently approved for several reasons, including, in the case of residential developments, that demand for new housing units is substantially depressed, and, for all developments, that construction loans are either not available or the cost of the loan is such that the project would not be profitable.

The existing County Land Use and Development Code provides for time extensions for project permits. However, because there is considerable uncertainty regarding when the economy may be expected to recover, the existing time extension provisions may not be sufficient to keep permits alive until the economy does recover, such that applicants may be forced to let permits expire.

Therefore, this ordinance is proposed in order to give the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved permits. This would be in addition to the existing time extensions allowed by the County LUDC, and could be granted by the Director either before or after a time extension is approved in compliance with the existing County LUDC provisions.

This proposed ordinance only affects the County Land Use and Development Code. A similar ordinance that would amend the Montecito Land Use and Development Code will be presented to the Montecito Planning Commission on May 27, 2009. An ordinance that allow the Director to grant an additional two year time extension to Lot Line Adjustments approved in compliance with Chapter 21 (Land Divisions) of the County Code will be presented to the Board of Supervisors.

5.0 PROJECT DESCRIPTION

As discussed above, the ordinance proposed for consideration by the County Planning Commission would provide the Director of the Planning and Development Department the ability to approve a two-year time extensions if required due to an economic hardship resulting from the current economic situation. As proposed the ordinance would also require that:

- The request for the time extension is filed with the Department prior to the expiration of the planning permit.
- All the findings for approval that were made when the project was initially approved can still be made.

The ordinance also provides that this new language would expire, and be of no further force or effect, on January 1, 2012, unless extended by the Board of Supervisors.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is 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 this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the regional Community Plans. In order to approve any application that results from this ordinance, the original findings for approval would have to be made, including the finding that the project is consistent with the Comprehensive Plan and the regional Community Plans.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the County LUDC that are not revised by this ordinance.

9.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance.

10.0 APPEALS PROCEDURE

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

11.0 ATTACHMENTS

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

ATTACHMENT F: FINDINGS

CASE NO. 09ORD-00000-00012

TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP ORDINANCE AMENDMENT

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 following findings shall be made by the Montecito Planning Commission in order to recommend approval of a text amendment to the Montecito LUDC, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to the Montecito LUDC:

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 recession, 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. The request is consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State planning and zoning laws, and the Montecito LUDC.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the effectiveness of approved permit for an additional two year period. 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.

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.

ATTACHMENT G: CEQA 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 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.: 09ORD-00000-00012

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: Time Extensions Due to Economic Hardship Ordinance Amendment.

Project Description: 09ORD-00000-00012 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 Director to authority to grant a two year time extension to permits if required due to an economic hardship resulting from the current economic situation.

This extension is in addition to time extensions already provided for in the Montecito Land Use and Development Code.

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 Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved permits. This would be in addition to the existing time extensions allowed by the Montecito LUDC, and 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.

Department/Division Representative _____ Date _____

Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

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

Hearing Support Staff
09ORD-00000-00012 file

ATTACHMENT H: 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 AN ADDITIONAL TWO-YEAR TIME EXTENSION 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. 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. 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 in compliance with the following:
 - a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.
 - 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, 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 Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance 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 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 4:

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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT I: MONTECITO PLANNING COMMISSION RESOLUTION

**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.: 09 - 10
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY MONTECITO LAND) CASE NO.: 09ORD-00000-00012
USE AND DEVELOPMENT CODE, REGARDING)
THE PROVISION OF AN ADDITIONAL TWO)
YEAR TIME EXTENSION FOR APPROVED)
DEVELOPMENT.)

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. 09ORD-00000-00012) 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 an additional two-year time extension for approved development.

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 Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it provides for more effective and efficient public noticing of proposed development so that the concerned public will have increased opportunities to participate in the review of the proposed development.
- E. This 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 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.

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

PASSED, APPROVED AND ADOPTED this May 27, 2009 by the following vote:

AYES: Gottsdanker, Overall, Phillips, Eidelson

NOES:

ABSTAIN:

ABSENT: Burrows

MICHAEL PHILLIPS, 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. 09ORD-00000-00012

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 AN ADDITIONAL TWO-YEAR TIME EXTENSION 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. 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. 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 in compliance with the following:
- a. The Director has determined that an additional Time Extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the planning permit that is the subject of the Time Extension request.
 - 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, 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 Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance 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 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 4:

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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
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: May 27, 2009
Staff Report Date: May 8, 2009
Case No. 09ORD-00000-00012
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 consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00012) amending 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, that would provide a process for 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.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case Nos. 09ORD-00000-00012 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that these amendments are categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 09ORD-00000-00012, 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).

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

3.0 JURISDICTION

This project 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 Land Use and Development Code (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 Planning Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

The national, state and regional economies are currently in a recession. In its first quarterly report of 2009 (released March 25th), the UCLA Anderson Forecast “links the current national recession to slumping, international economic conditions that will impact the timing and pace of any national recovery.” The Forecast also states that a turnaround in the United States economy depends upon a recovery in world trade” and that “regardless of the steps taken by the United States government, national solutions will not be enough to restore growth and therefore global solutions are essential.” Specific to California, the Forecast says that “the economy will remain in turmoil for the foreseeable future as the twin sector engines of consumers and construction continue to drag” and predicts that California will see “a very weak first three quarters of 2009 and virtually no growth in the fourth quarter of this year. The economy will begin to pick up by 2010 and by the end of next year the state’s economy will begin to grow at something resembling normal levels.”

Because of this situation, many applicants are deferring proceeding with projects that have been recently approved for several reasons, including, in the case of residential developments, that demand for new housing units is substantially depressed, and, for all developments, that construction loans are either not available or the cost of the loan is such that the project would not be profitable.

The existing Montecito Land Use and Development Code provides for time extensions for project permits. However, because there is considerable uncertainty regarding when the economy may be expected to recover, the existing time extension provisions may not be sufficient to keep permits alive until the economy does recover, such that applicants may be forced to let permits expire.

Therefore, this ordinance is proposed in order to give the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved permits. This would be in addition to the existing time extensions allowed by the Montecito LUDC, and could be granted by the Director either before or after a time extension is approved in compliance with the existing Montecito LUDC provisions.

This proposed ordinance only affects the Montecito Land Use and Development Code. A similar ordinance that would amend the County Land Use and Development Code will be presented to the County Planning Commission on June 3, 2009. Ordinances that allow the Director to grant an additional two year time extension to (1) Lot Line Adjustments approved in compliance with Chapter 21 (Land Divisions) of the County Code, and (2) allocations issued under the Montecito Growth Management Ordinance (Chapter 35B of the County Code) will be presented to the Board of Supervisors.

5.0 PROJECT DESCRIPTION

As discussed above, the ordinance proposed for consideration by the Montecito Planning Commission would provide the Director of the Planning and Development Department the ability to approve a two-year time extensions if required due to an economic hardship resulting from the current economic situation. As proposed the ordinance would also require that:

- The request for the time extension is filed with the Department prior to the expiration of the planning permit.
- All the findings for approval that were made when the project was initially approved can still be made.

The ordinance also provides that this new language would expire, and be of no further force or effect, on January 1, 2012, unless extended by the Board of Supervisors.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is 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 this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and the Montecito Community Plan. In order to approve any application that results from this ordinance, 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.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the Montecito LUDC that are not revised by this ordinance.

9.0 PROCEDURES

The Montecito Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance.

10.0 APPEALS PROCEDURE

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

11.0 ATTACHMENTS

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

ATTACHMENT K: FINDINGS

CASE NO. 09ORD-00000-00014

TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP ORDINANCE AMENDMENT

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the County Code:

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 allocations issued in compliance with Chapter 35B, the Montecito Growth Management Ordinance, beyond the expected period of the current economic recession, 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. The request is consistent with the Comprehensive Plan including the Montecito Community Plan, the requirements of State planning and zoning laws, 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 Chapter 35B, the Montecito Growth Management Ordinance for an additional two year period. This does not conflict with any policies and standards of the Comprehensive Plan including the Montecito Community 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 as well as the Montecito Land Use and Development Code. 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 Land Use and Development Code.

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 Chapter 35B, the Montecito Growth Management Ordinance, which paces development within the Montecito Community Plan area in order to protect community and environmental values and resources.

ATTACHMENT L: CEQA 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 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.: 09ORD-00000-00014

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: Time Extensions Due to Economic Hardship Ordinance Amendment.

Project Description: 09ORD-00000-00014 proposes to amend Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the County Code to give the Planning and Development Director to authority to grant a two year time extension to unexpired allocations that have been issued in compliance with Chapter 35B due to an economic hardship resulting from the current economic situation.

This extension is in addition to time extension already provided for in Chapter 35B.

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 would only give the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to unexpired allocations that have been issued in compliance with Chapter 35B, the Montecito Growth Management Ordinance. This would be in addition to the existing time extension allowed by Chapter 35B, and could be granted by the Director either before or after a time extension is approved in compliance with the existing Chapter 35B 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 Montecito Land Use and Development Code. 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: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

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

Hearing Support Staff
09ORD-00000-00014 file

ATTACHMENT M: 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. 09ORD-00000-00014

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 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection 6.9 to read as follows:

- 6.9 Allocation must be obtained prior to commencing the Montecito Board of Architectural Review (MBAR) process. An allocation issued by the County shall expire, unless an application for BAR review has been submitted within six months of issuance. An allocation shall be valid for no longer than three years following issuance, with one ninety day extension allowed, which may be granted by the Director of the Planning and Development Department based upon documentation of active and substantial effort toward completion of the land use permitting process. A change in the project submittal which could affect the issuance of points, the affordability of a dwelling unit, and/or the potential number of units, as determined by the Director of the Planning and Development Department, shall invalidate the issued allocation.
- 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 in compliance with the following:
- a. The Director has determined that an additional time extension is necessary due to an economic hardship resulting from a national economic recession.
 - b. The time extension request is filed with the Department before the expiration of the allocation that is the subject of the time extension request.

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

SECTION 2:

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

SECTION 3:

Within the Coastal Zone portion of Santa Barbara County, this ordinance and any portion of this ordinance 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 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 4:

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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT N: FINDINGS

CASE NO. 09ORD-00000-00015

TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP ORDINANCE AMENDMENT

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to Chapter 21, Land Division, of the County Code:

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 lot line adjustments beyond the expected period of the current economic recession, thus allowing approved lot line adjustments that can provide additional revenue to the County through increases in property taxes to be recorded without having to be re-approved through the normal process.

2. The request is consistent with the Comprehensive Plan including the regional Community Plans, the requirements of State planning and zoning laws, and the County and Montecito Land Use and Development Codes.

Adoption of the proposed ordinance amendment will merely provide the capability to extend the expiration of approved lot line adjustments for an additional two year period. This does not conflict with any policies and standards of the Comprehensive Plan including the regional Community Plans, and only applies to lot line adjustments that have been determined to be consistent with the policies and standards of the Comprehensive Plan including the regional Community Plans, and have been approved in compliance with the County and Montecito Land Use and Development Codes. Therefore, this amendment may be found consistent with the Comprehensive Plan including the regional Community Plans, the requirements of State Planning and Zoning Laws, and the County and Montecito Land Use and Development Codes.

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 lot line adjustments 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 regional Community Plans, and the County and Montecito Land Use and Development Codes.

ATTACHMENT O: CEQA 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 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.: 09ORD-00000-00015

Location: The proposed ordinance amendment would apply to the whole of the unincorporated area of Santa Barbara County.

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

Project Description: 09ORD-00000-00008 proposes to Chapter 21, Land Divisions, of Chapter 35, Zoning, of the County Code to give the Planning and Development Director to authority to grant a two year time extension to approved lot line adjustments if required due to an economic hardship resulting from the current economic situation.

This extension is in addition to time extensions already provided for in Chapter 21, Land Divisions.

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 gives the Planning and Development Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, a two-year time extension to approved lot line adjustments. This would be in addition to the existing time extensions allowed by Chapter 21, and could be granted by the Director either before or after a time extension is approved in compliance with the existing Chapter 21 provisions.

Such lot line adjustments have been reviewed in compliance with the California Environmental Quality Act and have been determined to be consistent with the Comprehensive Plan including the regional Community Plans, and the County and Montecito Land Use and Development Codes. 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: _____

Note: A copy of this form must be posted at Planning and Development six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

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

Hearing Support Staff
09ORD-00000-00015 file

ATTACHMENT P

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, LOT LINE ADJUSTMENTS, OF CHAPTER 21, LAND DIVISION, OF THE COUNTY CODE, BY AMENDING SUBSECTION F. OF SECTION 21-92, PROCEDURE, REGARDING THE PROVISION OF AN ADDITIONAL TWO-YEAR TIME EXTENSION FOR ACTIVE, UNEXPIRED LOT LINE ADJUSTMENTS.

Case No. 09ORD-00000-00015

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

SECTION 1:

ARTICLE III, Lot Line Adjustments, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended to amend Subsection f. of Section 21-92 to read as follows:

- f. A Lot Line Adjustment and all conveyances necessary to bring it into effect shall expire unless recorded within 36 months of approval. This period of time may be extended for an additional period or periods of time not to exceed a total of 36 months by the decision-maker that approved the Lot Line for which the time extension is requested, provided an application for a time extension(s) is submitted prior to the date of expiration of the Lot Line Adjustment.
 1. In addition to the 36 month time extension provided in Subsection 21-92.f, above, the Director of the Planning and Development Department for good cause may extend one time the expiration of an approved, unexpired Lot Line Adjustment for an additional 24 months in compliance with the following:
 - (a) The Director has determined that an additional time extension is necessary due to an economic hardship resulting from a national economic recession.
 - (b) The time extension request is filed with the Department before the expiration of the allocation that is the subject of the time extension request.
 - (c) A time extension application shall be approved or conditionally approved only if the Director first finds that the findings for approval required in compliance with Section 21-93 (Findings Required for Approval of a Lot Line Adjustment) that were made in conjunction with the initial approval of the Lot Line Adjustment for which the time extension is requested can still be made.
 - (d) The action of the Director is final subject to appeal by the applicant or any interested person adversely affected by the action to the Planning Commission in compliance with the following:
 - (1) The appeal, which shall be in writing, and accompanying fee shall be filed with the Planning and Development Department within the 10 calendar days following the date of the action of the Director that is the subject of the appeal.
 - (2) The appellant shall state specifically in the appeal how the decision of the Director is inconsistent with the purposes of this Chapter and/or the State Subdivision Map Act, or the error or abuse of discretion committed by the Director.
 - (3) The Planning Commission hearing shall be de novo and the Planning Commission shall affirm, reverse, or modify the decision of the Director at a public hearing.

Notice of the time and place of said hearing shall be given in compliance with Section 21-71.3 (Public Hearing Notice).

- (4) The decision of the Planning Commission may be appealed to the Board of Supervisors in compliance with Section 21-71.4 (Appeals).

This Subsection 21-92.f.1 shall expire, and be of no further force or effect, on January 12, 2012, unless extended by ordinance.

SECTION 2:

Except as amended by this Ordinance, Section 35B-6, Procedures For Allocation, of Chapter 35B, the Montecito Growth Management 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 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 _____, 2009, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JOSEPH CENTENO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel