

ATTACHMENT 1: 20ORD-00000-00008 MLUDC FINDINGS

1.0 CEQA FINDINGS

The Board of Supervisors finds that the proposed project, 20ORD-00000-00008, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), 15301, 15303, and 15305. Please see Attachment 2 to the Board Letter dated November 10, 2020, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

In compliance with Section 35.494.060 of the Santa Barbara County Montecito Land Use and Development Code (MLUDC), the following findings shall be adopted by the Board of Supervisors in order to approve a text amendment to the MLUDC:

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 (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.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 Montecito 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 re-opening 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 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.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 (Sections 35.474.030.D.7, 35.474.040.A.1, 35.474.040.F, 35.491.020.B.4, and 35.498.090.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.