



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 12/13/2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Development Services Director (805) 568-2086
SUBJECT: Submittal to the California Coastal Commission for Certification of the Montecito Growth Management Ordinance Economic Hardship Time Extension Ordinance Amendment

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 adopt the attached resolution and direct staff to submit the following Local Coastal Program amendment to the California Coastal Commission for certification:

- A. Case No. 11ORD-00000-00028, an ordinance amending Chapter 35B, the Montecito Growth Management Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code to (1) extend the authority of the Director of the Planning and Development Department to grant a two year time extension to approved allocations due to economic hardship considerations by changing the sunset date of the existing regulations from January 12, 2012 to January 12, 2015, (2) provide that more than one such extension may be granted by the Director, and (3) including the need to allow the granting of time extensions by the Director of the Planning and Development Department as a reason for amending Chapter 35B.

Summary Text:

Case No. 11ORD-00000-00028 was approved by the Board of Supervisors on December 6, 2011. This ordinance amends Chapter 35B, the Montecito Growth Management Ordinance, of the Santa Barbara County Code to (1) extend the authority of the Director of the Planning and Development Department to grant a two year time extension to approved allocations due to economic hardship considerations by changing the sunset date of the existing regulations from January 12, 2012 to January 12, 2015, (2) provide that more than one such extension may be granted by the Director, and (3) including the need to allow the granting of time extensions by the Director of the Planning and Development Department as a reason for amending Chapter 35B. Because this ordinance constitutes an amendment to Santa

Barbara County's certified Local Coastal Program, it is required to be submitted to the California Coastal Commission for review and certification.

The attached resolution is required in order to submit this amendment for certification. The resolution requests (1) that the amendment be processed as a minor amendment in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554, and (2) that the amendment will take effect automatically upon approval by the Coastal Commission without further action by the Board of Supervisors in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1). In this instance the amendment would become effective on the tenth working day following the designation of the amendment as a minor amendment by the Executive Director of the Coastal Commission in compliance with Public Resources Code Section 30514(c) unless that designation is objected to by one-third of the appointed members of the Coastal Commission.

Performance Measures:

N/A.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

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

Special Instructions:

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

Attachment:

1. Resolution Submitting Montecito Growth Management Ordinance Amendment to the California Coastal Commission

Authored by:

Noel Langle, Planner (805.568.2067)

Attachment 1:

**Resolution Submitting the Montecito Growth Management Ordinance Amendment to the
California Coastal Commission**

THIS PAGE INTENTIONALLY LEFT BLANK

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AN AMENDMENT TO THE TEXT OF THE)
SANTA BARBARA COUNTY LOCAL COASTAL)
PROGRAM REGARDING TIME EXTENSIONS)
DUE TO HARDSHIP CONSIDERATIONS ISSUED)
IN COMPLIANCE WITH CHAPTER 35B OF THE)
SANTA BARBARA COUNTY CODE, THE)
MONTECITO GROWTH MANAGEMENT)
ORDINANCE.)

RESOLUTION NO: 11 - _____
CASE NO: 11ORD-00000-00028

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On March 12, 1991, by Ordinance 3916, the Board of Supervisors of the County of Santa Barbara adopted the Montecito Growth Management Ordinance as Chapter 35B of the Santa Barbara County Code; and
- C. On October 5, 2010, by Ordinance 4763, the Board of Supervisors of the County of Santa Barbara amended the Montecito Growth Management Ordinance, Chapter 35B of the Santa Barbara County Code; and
- D. On November 18, 2010, the California Coastal Commission acted to certify Ordinance 4763 as an amendment to the Santa Barbara County Local Coastal Program; and
- E. On December 6, 2011, the Board of Supervisors, having deemed it to be in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County, amended the Local Coastal Program by adopting:

Case No. 11ORD-00000-00028: Economic Hardship Time Extensions Ordinance Amendment, attached as Exhibit A:

An Ordinance (Case No. 11ORD-00000-00028), attached as Exhibit A, amending Chapter 35B of the Santa Barbara County Code, the Montecito Growth Management Ordinance, by amending Section 35B-6, Procedures for Allocation, and Section 35B-9, Modification and Amendment of Ordinance, to (1) extend the period of time in which the Director may grant a two year time extension to approved allocations due to economic hardship considerations from January 12, 2012 to January 12, 2015, (2) provide that more than one such extension may be granted by the Director, and (3) including the need to allow the granting of time extensions by the Director of the Planning and Development Department as a reason for amending Chapter 35B.

- F. Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the Montecito Planning Commission on the proposed amendment in a duly noticed public hearing pursuant to Sections 65353 and 65854 of the Government Code, and the Montecito Planning Commission has sent their written recommendation to the Board of Supervisors in compliance with pursuant to Sections 65354 and 65855 of the Government Code.
- G. The Board of Supervisors has held duly noticed public hearings in compliance with Section

65355 and 65856 of the Government Code on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.

- H. This amendment to the Local Coastal Program is consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- I. The Board of Supervisors now wishes to submit this amendment to the California Coastal Commission for certification as a minor amendment to the Santa Barbara County Local Coastal Program in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554.
- J. The Board of Supervisors further wishes to submit this amendment as an amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with Sections 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as an amendment to the Santa Barbara County Local Coastal Program.
3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.
4. The Board submits this Local Coastal Program amendment to the California Coastal Commission for review and certification as a minor amendment in compliance with Public Resources Code Section 30514(c) and Title 14 of the California Code of Regulations Section 13554, and requests that this amendment that will take effect automatically upon the California Coastal Commission's approval in compliance with Title 14 of the California Code of Regulations Section 13551(b)(1).
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of December, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JONI GRAY, CHAIR
Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

EXHIBIT:

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

THIS PAGE INTENTIONALLY LEFT BLANK

EXHIBIT A:

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

THIS PAGE INTENTIONALLY LEFT BLANK

ATTACHMENT L: 11ORD-00000-00028 MGMO ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 35B, THE MONTECITO GROWTH MANAGEMENT ORDINANCE, OF THE COUNTY CODE, BY AMENDING SECTION 35B-6, PROCEDURES FOR ALLOCATION, AND SECTION 35B-9, MODIFICATION AND AMENDMENT OF ORDINANCE, REGARDING THE PROVISION OF ADDITIONAL TWO-YEAR TIME EXTENSIONS FOR ACTIVE, UNEXPIRED ALLOCATIONS FOR NEW DWELLINGS.

Case No. 11ORD-00000-00028

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

SECTION 1:

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

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

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

SECTION 2:

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

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

SECTION 3:

Except as amended by this Ordinance, Section 35B-6, Procedures For Allocation, and Section 35B-9, Modification and Amendment of Ordinance, of Chapter 35B, the Montecito Growth Management Ordinance, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 4:

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

approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

SECTION 5:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 6th day of December, 2011, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel