

## ARTICLE II COASTAL ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 5122

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

Case No. 20ORD-00000-00009

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

### **SECTION 1:**

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

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

### **SECTION 2:**

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

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

**SECTION 3:**

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

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

**SECTION 4:**

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

**SECTION 5:**

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

**SECTION 6:**

This ordinance shall take effect and be in full force 30 days after the Executive Director of the Coastal Commission executes a waiver pursuant to Pub. Resources Code § 30611 and shall remain in effect and operative until the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions are terminated by ordinance amendment. If the Executive Director does not execute a waiver, this ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later and shall remain in effect and operative until the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus is terminated or when the COVID-19 provisions are terminated by ordinance amendment. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara. Unless otherwise extended or amended by the Board, upon expiration this ordinance, it shall be repealed and shall be of no further force or effect.

**SECTION 7:**

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

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 10<sup>th</sup> day of November, 2020, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Adam and Lavagnino

NOES: NONE

ABSTAINED: NONE

ABSENT:



GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By:   
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
Deputy County Counsel