

COUNTY PLANNING COMMISSION
Staff Report for the
COVID-19 Temporary Ordinance Amendments Regarding Extending the Time Period for
Suspension of Compliance with Certain Requirements of Approved Permits, Nonconforming
Uses, and a Hardship Time Extension

Hearing Date: April 12, 2023

Assistant Director: Jeff Wilson

Staff Report Date: April 4, 2023

Phone: (805) 568-2085

Case Nos.: 23ORD-00000-00001

Environmental Document: CEQA Exempt

LUDC: CEQA Guidelines Sections 15061(b)(3),
15301, 15303, 15305

1.0 REQUEST

Hearing on the request of the County of Santa Barbara Planning and Development Department regarding ordinance amendments to the Land Use and Development Code (LUDC). The proposed ordinance amendments will extend the expiration of temporary allowances to suspend compliance with certain requirements of approved permits, legal non-conforming uses, and a hardship time extension to support economic recovery from the impacts of COVID-19. The temporary allowances are currently set to expire on October 31, 2023 or when the COVID-19 provisions are terminated earlier by ordinance amendment. The proposed amendments will extend the ordinance expiration date to October 31, 2024 or when the COVID-19 provisions are terminated earlier by ordinance amendment.

2.0 RECOMMENDATION AND PROCEDURES

2.1 Land Use and Development Code Ordinance Amendments - Case No. 23ORD-00000-00001

Follow the procedures outlined below and recommend that the Board of Supervisors approve ordinance amendments to the Land Use and Development Code (Case No. 23ORD-00000-00001) based on the ability to make the required findings.

The Planning Commission's motion should include the following:

1. Make the required findings for approval of the LUDC ordinance amendment (Attachment A), including California Environmental Quality Act (CEQA) findings, and recommend that the Board of Supervisors make the findings for approval of the proposed ordinance amendment;
2. Recommend that the Board of Supervisors determine the LUDC ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, 15303, 15305, and 15061(b)(3), included as Attachment B; and,

3. Adopt a Resolution recommending that the Board of Supervisors adopt an ordinance (Case No. 23ORD-00000-00001) amending Section 35-1, the LUDC, of Chapter 35, Zoning of the Santa Barbara County Code (Attachment C).

Refer back to staff if the County Planning Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

LUDC Ordinance Amendments (Case No. 23ORD-00000-00001): This ordinance amendment is being considered by the County Planning Commission based on County Code, Section 2-25.1(a), California Government Code, Sections 65854 to 65857, and Chapter 35.104 of the LUDC. The County Code, Government Code, and the LUDC requires that the County Planning Commission, as the designated planning agency for the unincorporated area of the County that is located outside the Montecito Community Plan area, review and consider proposed amendments to the LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

On June 16, 2020, the Board of Supervisors adopted the Temporary Development Standard Suspension Ordinance Amendments 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. The ordinance established that the temporary authorization will expire on December 16, 2020, or when the proclaimed Santa Barbara County Local Emergency from COVID-19 is terminated, whichever is earlier.

On November 10, 2020 the Board of Supervisors adopted Ordinance Amendments (Case Nos. 20ORD-00000-00008, 20ORD-00000-00009, and 20ORD-00000-00010) to extend the expiration date for the Temporary Development Standard Suspension Ordinance to the earlier of when the Board of Supervisors declares the proclaimed Santa Barbara County Local Emergency from the COVID-19 virus terminated, or when the COVID-19 provisions are terminated by ordinance amendment.

On January 25, 2021, the California Department of Public Health ended the State's Regional State At Home Order and the Limited Stay At Home Order. As of June 15, 2021, the Governor terminated the executive order that put into place the Stay Home Order and Blueprint for a Safer Economy.

On September 14, 2021 the Board of Supervisors adopted Ordinance Amendments (21ORD-00000-00005, 21ORD-00000-00006, 21ORD-00000-00007) to extend the expiration of the temporary allowances to October 31, 2023 to allow the COVID-19 provisions to continue after the Santa Barbara County Local Emergency from the COVID-19 virus is terminated to support ongoing economic recovery from the impacts of COVID-19. These ordinance amendments also included removing the restriction that no expansion of the existing capacity of a nonconforming use is authorized by the temporary provisions, and that no permanent structures are proposed, constructed, or erected.

On February 28, 2023, the Board of Supervisors adopted a resolution to terminate the local emergency related to COVID-19 as well as adopted a resolution to terminate the health emergency related to COVID-19. The response and coordination to the COVID-19 incident, and the conditions of extreme peril no longer exist, therefore signifying the end of the local emergency and local health emergency. In addition, the State of California terminated its proclamation of emergency on February 28, 2023.

The proposed ordinance amendments will extend the expiration of the temporary allowances to October 31, 2024 in order to support ongoing economic recovery efforts from the impacts of the COVID-19 incident.

The ordinance amendment text is contained in Attachment C-1 (Exhibit 1 Ordinance Amendments). Proposed revisions are underlined.

5.0 PROJECT ANALYSIS

5.1 Environmental Review

The proposed ordinance amendments, Case Nos. 23ORD-00000-00001, can be found exempt from environmental review based upon Sections 15301, 15303, 15305, and 15061(b)(3) of the CEQA Guidelines.

CEQA Guidelines Section 15301 [Existing Facilities] states that a project is exempt from CEQA if the project “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.”

CEQA Guidelines Section 15303 [New Construction or Conversion of Small Structures] states that a project is exempt from CEQA if the project “consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”

CEQA Guidelines Section 15305 [Minor Alterations in Land Use Limitations] states that a project is exempt from CEQA if the activity consists of “minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density[.]”

CEQA Guidelines Section 15061(b)(3) [Review for Exemption] states that a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA.” The project is a request to extend the expiration date of an existing ordinance, and therefore there is no activity that will have a significant effect on the environment.

See Attachments B to this staff report for a detailed discussion of the exemption.

5.2 Comprehensive Plan Consistency

The scope of proposed ordinance amendments is to extend the expiration date of the Temporary Development Standard Suspension Ordinance Amendments adopted by the Board on September 14, 2021. The ordinance is currently set to expire on October 31, 2023 or when the COVID-19 provisions are terminated by ordinance amendment. The proposed amendments will extend the ordinance expiration to October 31, 2024 to support ongoing economic recovery efforts from the impacts of COVID-19. The ordinance will continue to allow temporary change(s) to a project necessary to support economic recovery post COVID-19. These changes remain consistent with the Comprehensive Plan. However, the ordinance would otherwise require a project to comply with its approved project description, conditions of approval, applicable development standards, and the Comprehensive Plan. The Comprehensive Plan Consistency in Section 7.2 of the staff report for the Temporary Development Standard Suspension Ordinance Amendments, dated May 27, 2020 and incorporated herein by reference (Attachment D) remains applicable to these amendments; and therefore, the proposed amendments do not alter the purpose and intent of any policies or development standards of the Comprehensive Plan, including the relevant community plan(s).

5.3 Zoning Ordinance Compliance

The Zoning Ordinance Compliance analysis in Section 7.3 of the staff report, dated May 27, 2020 and incorporated herein by reference (Attachment D) remains applicable. The proposed ordinance amendments are consistent with the LUDC as they only extend the expiration date of the COVID-19 ordinance amendments, adopted by the Board of Supervisors on November 10, 2020 and amended on September 14, 2021 to support economic recovery from the impacts of COVID-19. These proposed ordinance amendments would allow a temporary suspension of specific development standards until October 31, 2024.

6.0 PROCEDURES

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

7.0 APPEALS PROCEDURE

Ordinance amendments recommended for approval or denial are legislative acts that are automatically forwarded to the Board of Supervisors for final action. Therefore, the ordinance amendments are not subject to appeal.

ATTACHMENTS

- A. 23ORD-00000-00001 LUDC Findings
- B. 23ORD-00000-00001 LUDC Notice of Exemption
- C. 23ORD-00000-00001 LUDC Resolution
- C-1. 23ORD-00000-00001 LUDC Exhibit 1 Ordinance Amendments
- D. County Planning Commission Staff Report for COVID-19 Ordinance Amendments, dated May 27, 2020