



**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: 12/06/2011
Placement: Departmental
Estimated Tme: 15 minutes on 12/06/2011
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: Economic Hardship Time Extensions Chapter 21 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 Santa Barbara County Board of Supervisors:

- A. Approve the introduction (first reading) of an ordinance (Case No. 11ORD-00000-00027) amending Chapter 21, Land Division, 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 lot line adjustments due to economic hardship considerations by changing the sunset date of the existing regulations from January 12, 2012 to January 12, 2015, and (2) provide that more than one such extension may be granted by the Director; and read the title and waive further reading of the ordinance, Case No. 11ORD-00000-00027, amending Chapter 21, Land Division, of the Santa Barbara County Code, as shown in Attachment C; and
- B. Set a hearing on the Administrative Agenda of December 13, 2011 to:
 1. Make the findings for approval, including CEQA findings, of the proposed ordinance as shown in Attachment A;
 2. Determine 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 as shown in Attachment B; and
 3. Adopt (second reading) an ordinance (Case No. 11ORD-00000-00027), included as Attachment C, amending Chapter 21, Land Division of the Santa Barbara County Code.

Summary Text:

In 2009 the County Board of Supervisors, in response to the ongoing economic recession, approved an ordinance amending Chapter 21, Land Division, of the Santa Barbara County Code, that gave the

Planning and Development Department Director the authority to grant, if required due to an economic hardship resulting from the economic situation, a two-year time extension to approved lot line adjustments. The hardship time extension is in addition to other time extensions allowed by Chapter 21, and can be granted by the Director either before or after these other time extensions are approved. The current hardship time extension regulations require that (1) the request for the hardship time extension must be filed with the Department prior to the expiration of the lot line adjustment, and (2) that all the findings for approval that were made when the lot line adjustment was initially approved can still be made. The action of the Director on the time extension application is subject to appeal to the Planning Commission. Notice is provided to neighbors of the application for the pending hardship time extension.

The expectation in 2009 was that the economy would rebound in several years, and so the ordinance provided that the hardship time extension provisions would expire on January 1, 2012 unless extended by the Board of Supervisors. It is now apparent that the national and local economies are not recovering as quickly as previously thought such that the need for hardship time extensions will extend beyond January 1, 2012. Therefore, the Planning and Development Department is now recommending that Chapter 21 be amended to extend the expiration date to January 12, 2015, and allow more than one 24 month hardship time extension to be granted by the Director. The requirements that (1) the request for the time extension be filed with the Department prior to the expiration of the lot line adjustment, and (2) that all the findings for approval that were made when the lot line adjustment was initially approved can still be made, are not changed. However, new language is proposed that only allows an application for a hardship time exemption to be submitted within the six month period preceding the date that the lot line adjustment would otherwise expire. The purpose of this is to prevent an applicant from obtaining a 24 month hardship time exemption and then immediately submitting an application for an additional 24 month hardship time extension.

The complete text of the ordinance amendment is provided in Attachment C. In this attachment, proposed deletions are shown by striking through the text and proposed text additions are underlined; the use of an ellipsis (...) indicates that sections where the text is unchanged have been omitted for the sake of brevity.

Planning Commission Review

Planning and Development Department staff reviewed the proposed amendment to Chapter 21 with the Montecito and County Planning Commissions on October 26, 2011 and November 2, 2011, respectively. While the Commissions were generally supportive of the amendment, they took no formal action since they are not an advisory body to the Board of Supervisors on amendments to Chapter 21.

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 shall send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Attachments:

- A. Findings
- B. CEQA Notice of Exemption
- C. Ordinance Amendment (showing proposed revisions)

Authored by:

Noel Langle, Planner (805.568.2067)

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ATTACHMENT A: FINDINGS

CASE NO. 11ORD-00000-00027

CHAPTER 21 ECONOMIC HARDSHIP TIME EXTENSION ORDINANCE AMENDMENT

1.0 CEQA FINDINGS

The Santa Barbara County Board of Supervisors finds that the proposed project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines for Implementation of CEQA Section 15061(b)(3), No Possibility of Significant Effect. Please see Attachment B, CEQA Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

The Board of Supervisors finds that the adoption of this Ordinance (Case No. 11ORD-00000-00027) is appropriate and consistent with good practice as 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 Coastal Land Use Plan and Community Plans, and the County zoning ordinances, and Chapter 21, Land Division, of the Santa Barbara County Code.

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ATTACHMENT B: 11ORD-00000-00027 CEQA NOTICE OF EXEMPTION

**CHAPTER 21 ECONOMIC HARDSHIP TIME EXTENSION
ORDINANCE AMENDMENT**

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.: 11ORD-00000-00027

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

Project Title: Chapter 21 Time Extensions Due to Economic Hardship Ordinance Amendment.

Project Description: 11ORD-00000-00027 proposes to amend Chapter 21, Land Division, of the Santa Barbara County Code to give the Planning and Development Department Director the authority to grant two year time extensions to lot line adjustments if required due to an economic hardship resulting from the current economic situation and also extends the expiration of the hardship time extension provisions from January 12, 2012 to January 12, 2015 unless extended by the Board of Supervisors. Hardship time extensions are in addition to time extensions already provided for in Chapter 21. In order to approve such an time extension the request for the time extension shall be filed with the Department prior to the expiration of the lot line adjustment, and all the findings for approval that were made when the lot line adjustment was initially approved must still be able to be made. The action of the Director on the application is subject to appeal to the Planning Commission.

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 Department Director the authority to grant, if required due to an economic hardship resulting from the current economic situation, additional two-year time extensions to approved lot line adjustments in addition to the existing time extensions allowed by Chapter 21. Hardship time extensions 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 Community Plans and the Coastal Land Use Plan, and the County zoning ordinances, and Chapter 21,

Land Division, of the Santa Barbara County Code. The amendment does not affect any existing requirements for lot line adjustments, nor does it revise any existing development standards and policies that apply to applications for proposed lot line adjustments. Therefore, no significant environmental impacts are expected to result as a consequence of this ordinance amendment.

Department/Division Representative	Date
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Acceptance Date (date of final action on project): _____

Date Filed by County Clerk: _____

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

Hearing Support Staff
11ORD-00000-00027 file

ATTACHMENT C: 11ORD-00000-00027 CHAPTER 21 LAND DIVISION ORDINANCE

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. 11ORD-00000-00027

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, Procedure, 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 Planning 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 periods in compliance with the following:
 - (a) The Planning Director has determined that ~~an additional~~ a Time Extension is necessary due to an economic hardship resulting from ~~a national economic recession~~ the continuing national economic downturn.
 - (b) The application for the Time Extension request is filed with the Department in compliance with the following: before the expiration of the Lot Line Adjustment that is the subject of the time extension request.
 - (1) The application shall be filed prior to the expiration of the Lot Line Adjustment 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 Lot Line Adjustment would otherwise expire.
 - (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 Planning Director is final subject to appeal to the Planning Commission in compliance with Section 21-71.4 (Appeals) 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, or that there was an 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~~ 2015, unless extended by ordinance.

SECTION 2:

Except as amended by this Ordinance, Section 21-92, Procedure, of Chapter 21, Land Division, 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 _____, 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