



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

**Department Name:** Planning and  
Development (P&D)  
**Department No.:** 053  
**For Agenda Of:** September 14, 2021  
**Placement:** Departmental  
**Estimated Time:** 1 hour  
**Continued Item:**  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors (Board)  
**FROM:** Department Lisa Plowman, Director, Planning and Development Department  
Director (805) 568-2086  
Contact Info: Dan Klemann, Deputy Director, Long Range Planning Division  
(805) 453-4803  
**SUBJECT:** Selection of Zoning Ordinance Amendments for the Long Range Planning  
Division Fiscal Year (FY) 2021-2024 Work Program

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**County Counsel Concurrence:**

As to form: Yes

**Auditor-Controller Concurrence:**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:** That the Board:

- a) Receive a report on zoning ordinance amendment requests that staff has received, to date, for the Long Range Planning Division FY 2021-2024 Work Program;
- b) Prioritize, and provide any other direction to staff regarding, zoning ordinance amendments to be processed in the Long Range Planning Division FY 2021-2024 Work Program; and
- c) Determine that the Board's action is not a "project" that is subject to environmental review pursuant to the State California Environmental Quality Act (CEQA) Guidelines § 15378(b)(5).

**Background:**

When the Board adopted the FY 2021-2022 County budget on June 8, 2021, the Board approved a Planner III (expansion) position in the Long Range Planning Division to process annual zoning ordinance amendments. (See the [Final Attachment E](#) to the Board letter for the June 8, 2021, budget hearing.) There are a number of potential zoning ordinance amendments, all of which cannot be accomplished in a single package in FY 2021-2022. Therefore, based on Board direction, the Long Range Planning Division is returning to receive further direction on which zoning ordinance amendments to process in FY 2021-2022.

Within the remaining fiscal year, staff could complete an ordinance amendments package consisting of low to moderately complex zoning ordinance amendments for the Board's consideration and submittal

to the Coastal Commission for certification. This would require approximately 0.8 full time equivalents (FTEs) of staff resources within this fiscal year.

### **1. Cannabis Ordinance Amendments**

With regard to the subject matter of the ordinance amendments, at least some Board members have expressed interest in prioritizing the following moderately complex, cannabis-related zoning ordinance amendments:

- Cannabis Cultivation within the Santa Rita Hills: These ordinance amendments would create new permitting requirements specifically for cannabis cultivation within an overlay that would generally match the Santa Rita Hills American Viticultural Area (AVA). Possible amendments could include:
  - a. Requiring a Conditional Use Permit (CUP) for cultivation greater than 20 acres (ac) in size, 30 ac in size, or regardless of size.
  - b. Limiting cultivation area (per lot) to 20 ac plus 10%, 5%, or 2.5% of the lot size.

These ordinance amendments are estimated to require 0.6 FTEs of staff resources.

- Noticing Requirements for Cannabis Harvests: These ordinance amendments would require cannabis cultivators to provide notice of cannabis harvests to residents and/or owners of property located within a certain proximity (yet-to-be determined) to cannabis cultivation sites. These ordinance amendments are estimated to require 0.1 FTEs of staff resources.

If Board decides to prioritize processing amendments regarding (1) new requirements for cannabis cultivation with the Santa Rita Hills and (2) the noticing requirements for cannabis harvests, the work effort would subscribe all of the available FTE's in this fiscal year and additional ordinance amendments would not be processed in this fiscal year.

### **2. Additional Ordinance Amendments**

If the Board decides to forego processing additional requirements for cultivation within the Santa Rita Hills AVA, staff could process one or more of the following moderately complex zoning ordinance amendments that are unrelated to cannabis and in which some Board members and/or others have expressed interest:

- Provisions and Incentives for Childcare Facilities: These ordinance amendments would involve revising permitting requirements and development standards to facilitate the development of childcare facilities. In addition, the zoning ordinances would be amended to align with recent changes in State law regarding certain requirements for childcare facilities (Senate Bill 234, Chapter 244, Statutes of 2019; Health and Safety Code § 1596.72 et al). These ordinance amendments are estimated to require 0.2 FTEs of staff resources.
- Oil-and-Gas Regulations: Some members of the Board expressed interest in considering ordinance amendments to the County's oil-and-gas regulations as requested in the Environmental Defense Center's letter to the Board, dated March 5, 2021 (Attachment 1). The requests include: amend the Change of Owner or Operator Ordinance under Chapter 25B of the County Code to apply to onshore oil and gas development; adopt an ordinance mandating that onshore oil-and-gas operators retain liability upon a transfer of assets; amend Chapter 35.53 of the Land Use and Development Code to include a provision for a termination date in Oil Drilling and Production Plans; and revise the definition for "high risk operation" under Section 25-4 of the Petroleum Code. These ordinance amendments are estimated to require 0.5 FTEs of staff resources.

- **Wireless Communication Facilities:** These ordinance amendments would provide clarity regarding requirements resulting from a recent Federal Communication Commission rule related to small wireless facilities and a new State Law that requires emergency standby generators for macro cell towers. The existing regulations have created inefficiencies in processing applications and have involved substantial P&D staff time. These amendments would require approximately 0.4 FTEs of staff resources, due mainly to required work with the County’s Boards of Architectural Review developing new aesthetic standards for small wireless telecommunication facilities.

**Conclusion**

In summary, given that the work effort involved with processing all of the moderately complex zoning ordinance amendments would exceed the staff resources allocated for this task in this fiscal year (0.6-0.8 FTEs), the Board should provide direction to staff on which moderately complex zoning ordinance amendments to prioritize and process. The options and their respective work effort (in FTEs) are summarized in Table 1.

<b>Amendments</b>	<b>FTEs</b>
Cannabis:	
Santa Rita Hills	0.6
Harvest Noticing	0.1
Childcare Facilities	0.2
Oil and Gas	0.5
Wireless Communication Facilities	0.4

Regardless of the moderately complex zoning ordinance amendments that the Board selects, staff also will include some simple “clean up” zoning ordinance amendments that are low in complexity, unlikely to be controversial, will not delay completion of the moderately complex zoning ordinance amendments, and require minimal (i.e., less than 0.1 FTE) staff resources to prepare. Low complexity amendments include items such as correcting typos, updating procedural regulations to reflect current administrative practices, and eliminating outdated or otherwise obsolete text. During the next fiscal year, staff should be able to process a greater number of zoning ordinance amendment requests given that staff will have a full fiscal year—rather than approximately two-thirds of a fiscal year—to conduct these tasks.

**Fiscal and Facilities Impacts:**

Funding to prepare an annual zoning ordinance amendment package is budgeted in the Planning and Development Department’s Long Range Planning Division Budget Program of the County of Santa Barbara FY 2021-2022 adopted budget.

There are no facility impacts.

**Attachments:**

Attachment 1 – EDC letter, dated March 5, 2021