



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
Department No.: 053
For Agenda Of: February 9, 2021
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Lisa Plowman, Director, Planning and Development
Department, (805) 568-2086
Contact Info: Dan Klemann, Deputy Director, Long Range Planning
Division, (805) 568-2072
SUBJECT: Reconsideration of the California Coastal Commission's Certification of the
Agricultural Employee Dwelling Local Coastal Program Amendment

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

On February 9, 2021, staff recommends that the Board of Supervisors (Board) take the following actions to reconsider accepting the California Coastal Commission's (Coastal Commission's) conditional certification of the Agricultural Employee Dwelling (AED) Ordinance Amendment (Case No. 18ORD-00000-00003) as an amendment to the County's certified Local Coastal Program (LCP):

- a) Make the findings for approval of an ordinance (Case No. 18ORD-00000-00003) amending Article II, the Coastal Zoning Ordinance (Article II) of Chapter 35, Zoning, of the Santa Barbara County Code related to the AED Ordinance Amendment, including California Environmental Quality Act (CEQA) findings (Attachment 1);
- b) Determine that the Negative Declaration (14NGD-00000-00014) (Attachment 2) adopted for the *2015-2023 Housing Element Update* (Housing Element) fulfills the environmental review requirements for the revised ordinance and no subsequent environmental document shall be prepared pursuant to State CEQA Guidelines Section 15162;
- c) Adopt an ordinance (Case No. 18ORD-00000-00003) amending Article II of Chapter 35, Zoning, of the Santa Barbara County Code related to the Agricultural Employee Dwelling Ordinance Amendment (Attachment 3);
- d) Adopt a resolution (Attachment 4) authorizing the resubmittal to the California Coastal Commission for review and certification of an ordinance (Case No. 18ORD-00000-00003) amending Article II

of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 4, Exhibit 1) related to the AED Ordinance Amendment; and

- e) Determine that the submittal of the aforementioned resolution and amendments to the Santa Barbara County Local Coastal Program to the California Coastal Commission is exempt from environmental review pursuant to State CEQA Guidelines Section 15265.

Background:

On December 11, 2018, the Board adopted Ordinance No. 5069 to amend Article II to streamline the permit process for AEDs in the Agriculture I (AG-I) and Agriculture II (AG-II) zones. The Board also adopted Resolution No. 18-309 authorizing staff to submit Ordinance No. 5069 to the Coastal Commission as a proposed amendment to the County's certified LCP. On February 20, 2020, the Coastal Commission conditionally certified the AED LCP Amendment with five suggested modifications. P&D staff presented the Coastal Commission's conditionally certified AED LCP Amendment to the Board for approval on April 7, 2020. The Board did not support all of the modifications to the ordinance and requested that staff return with options for amending the AED employment location requirements. Staff returned to the Board on June 2, 2020 with a revised AED LCP Amendment (Ordinance No. 5105), which the Board approved and staff resubmitted to the Coastal Commission in August 2020.

Upon resubmittal, Coastal Commission and P&D staff noticed minor errors and omissions in Ordinance No. 5105 (Attachment 5). Specifically, Staff found that the table in Article II § 35-144R.B incorrectly listed the Transportation Corridor (TC) as a zone where AEDs are allowed. Though certain agricultural uses are allowed with a major Conditional Use Permit (CUP) or Minor CUP (MCUP) in the TC zone, residential uses are prohibited. Thus, AEDs are not an allowed use in the TC zone. Staff also found that the permit requirements for certain AEDs had been unintentionally omitted from the Gaviota Coast Plan Area land use table (Table 18-2). Specifically, staff omitted the permit requirements and the specific use regulation citation (Article II § 35-144R) for AEDs for 25 or more employees. In addition, Table 18-2 did not reflect the permit requirements for AEDs in the Coastal Dependent Industry (M-CD), Resource Management (RES), and Rural Residential (RR) zones. AEDs for any number of employees require a CUP in the M-CD zone and AEDs for one to four employees require a MCUP in the RES and RR zones.

To correct these minor errors and omissions, staff made the following changes to the AED LCP Amendment. These changes are shown in red underlined and strikethrough text in Attachment 3:

- Deleted the TC zone from the table in Article II § 35-144R.B;
- Revised Table 18-2 to include the permit requirements for AEDs for 25 or more employees and a reference to Article II § 35-144R;
- Revised Table 18-2 to show that a CUP is required for all AEDs in the M-CD zone; and
- Revised Table 18-2 to show that an MCUP is required for AEDs for one to four employees in the RES and RR zones.

P&D is requesting that the Board adopt a resolution (Attachment 4) authorizing staff to submit the revised AED LCP Amendment to the Coastal Commission for final review and certification. The revised AED LCP Amendment is substantially the same as the amendment that the Board approved on June 2, 2020 (i.e., Ordinance No. 5105), as the permit requirements for AEDs in the AG-I and AG-II zones have not been changed. Rather, the changes set forth in the revised AED LCP Amendment simply clarify the permit

requirements for AEDs in certain industrial and residential zones where AEDs are currently allowed, as described above. Resolving these minor errors and omissions does not require returning to the Planning Commission.

Environmental Review:

Staff recommends that the Board determine that the Negative Declaration (14NGD-00000-00014) (Attachment 2) adopted for the Housing Element fulfills the environmental review requirements for this project and no subsequent environmental document shall be prepared pursuant to CEQA Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent environmental impact report (EIR) for a project when the lead agency or another entity has already adopted a negative declaration or certified an EIR for that project, unless one or more of the following have occurred: (1) substantial changes are proposed which will require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous Negative Declaration was adopted has become available.

The proposed AED LCP Amendment does not present any new information or proposed changes that will alter the purpose or intent of the goals, policies, and programs of the Housing Element. Therefore, no new environmental document is required and the proposed amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. Please see the CEQA Findings in Attachment 1 for additional details.

Fiscal Analysis:

Funding for this project is budgeted in P&D's Permitting Budget Program on page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted budget. There are no facilities impacts.

Special Instructions:

P&D will fulfill all noticing requirements.

The Clerk of the Board will provide copies of the Minute Order and signed resolution to P&D, attention Jessi Steele, Planner.

Attachments:

1. Findings for Approval (Case No. 18ORD-00000-00003)
2. Negative Declaration for the Housing Element (14NGD-00000-00014)
3. Revised AED Ordinance Amendment (18ORD-00000-00003)
4. Board Resolution to authorize the resubmittal to the California Coastal Commission for review and certification of the AED Ordinance Amendment (Case No. 18ORD-00000-00003)
5. Ordinance No. 5105 (adopted AED LCP Amendment with minor errors and omissions)

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Board of Supervisors
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Authored by:

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