



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 &
Development
Department No.: 053
For Agenda Of: June 19, 2018
Placement: Set Hearing
Estimated Time: 10 mins on 07/03/2018
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Dianne M. Black, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Steve Mason, Assistant Director, Planning and Development
(805) 568-2070

SUBJECT: Proposed Amendment to Planning and Development Fee Ordinance for Cannabis Appeals

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

Set a hearing for July 3, 2018 to:

- a) Approve the introduction (first reading) of an Ordinance amending fees for Planning and Development Department services;
- b) Read the title "AN ORDINANCE AMENDING ORDINANCE 4991- AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ESTABLISHING FEES FOR PLANNING AND DEVELOPMENT DEPARTMENT SERVICES" and waive reading of the Ordinance in full; and
- c) Continue to the Administrative Agenda of July 10, 2018 to:
 - i) Consider and approve the adoption (second reading) of an Ordinance amending fees for Planning and Development services (Attachment A); and
 - ii) Find that the proposed action is an administrative activity of the County, which will not result in direct or indirect physical changes in the environment and is therefore not a "project" as defined for purposes of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15273(a)(1) and 15378(b)(5).

Summary Text:

On February 6, 2018 the Board of Supervisors approved changes to the County land use regulation that permit cannabis activities, including cultivation, distribution, manufacture, testing, and retail. While permitting of these activities has yet to commence, it is anticipated that there will be significant public interest in cannabis activities. This public interest may generate numerous appeals and result in significant unfunded staffing costs to process appeals to the Planning Commission and Board of Supervisors.

The Planning and Development Department (P&D) is recommending that costs for processing appeals related to cannabis operations be fully reimbursed by the project applicant. Currently, appeals filed for decisions of most of P&D planning permits are only partially offset by fees paid by the appellant. Santa Barbara County Ordinance 4991, adopted April 4, 2017, set the planning project appeal fee at \$505.00. There are two exceptions to this fee: appeals of projects located within the Coastal Zone of the County of Santa Barbara which qualify under the State of California Public Resources Code section 30603 are exempt from the appeal fee; and appeals of projects processed under the Energy and Minerals fee schedule are fully reimbursed by project applicants.

As stated above, the appeal fee for planning projects is \$505.00. The \$505 fee does not fully offset appeal costs and county general funds are currently budgeted for unrecovered costs. General Fund staff time spent on appeals varies from year to year, but ranged between \$250,000 to \$323,000 over the past 4 years.

P&D requests that the Board of Supervisors amend ordinance 4991 to require that cannabis applicants bear the full cost of project appeals as shown below:

All costs incurred for appeals filed for projects related to cannabis cultivation, distribution, manufacture, testing, or retail will be billed to the project applicant on a monthly basis.

If approved, this change would mirror appeals of projects processed under the Energy and Minerals fees in Ordinance 4991.

Fiscal and Facilities Impacts:

Budgeted: Fiscal Year 2017-18 and 2018-19 budgets do not anticipate increased costs from appeals due to cannabis permits. At this time, the volume of appeals cannot be accurately estimated, therefore the fiscal impact of cannabis appeals cannot be calculated. If the proposed ordinance amendment is adopted, there will be no fiscal impacts from cannabis appeals. This change would become effective sixty days after the second reading.

There are no facilities impacts.

Special Instructions:

Direct the Clerk of the Board to return a fully executed copy of the adopted Ordinance and minute order to the Planning and Development Department, Attention: Crysta Rider.

Planning and Development will provide adequate public notice of the hearing.

Attachments:

- A. Ordinance 4991 Amendment
- B. CEQA Notice of Exemption

Authored by:

Steve Mason, Planning and Development