



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: May 15, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: N/A
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: Daniel T. Klemann, Deputy Director, Long Range Planning
(805) 568-2072

SUBJECT: Submittal to the California Coastal Commission for certification of amendments to the Santa Barbara County Local Coastal Program for the Cannabis Land Use Ordinance, Licensing of Commercial Cannabis Operations Ordinance, the O'Neil Residence Project Ordinance and Resolution, the Like for Like Ordinance, and the resubmittal of the Gaviota Coast Plan Ordinances and Resolutions.

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors (Board):

- a) Adopt the attached resolution (Attachment 1) to submit and resubmit the following amendments to the Santa Barbara County Local Coastal Program to the California Coastal Commission for certification:
 - i) Ordinance No. 5028 amending the Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code to implement new development standards, permit requirements, and procedures regarding commercial cannabis activities, and make other minor clarifications, corrections, and revisions (Exhibit A, 17ORD-00000-00010);
 - ii) Ordinance No. 5037 amending the Santa Barbara County Code by adding Chapter 50, Licensing of Commercial Cannabis Operations (Exhibit B);
 - iii) Ordinance No. 5031 amending the Summerland Community Plan Zoning Map to change the

zoning from REC to 7-R-1 for the property identified as Tax Assessor's Parcel Number 005-250-001 (Exhibit C, 08RZN-00000-00006);

- iv) Resolution No. 18-45 amending the Local Coastal Land Use Plan of the County of Santa Barbara to change the land use designation from Recreation/Open Space to Residential, 4.6 units/acre for the property identified as Tax Assessor's Parcel Number 005-250-001 (Exhibit D, 08GPA-00000-00007);
 - v) Ordinance No. _____ amending the Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code to revise existing regulations, development standards, permit procedures, and definitions in order to accommodate the rebuilding of structures that were damaged or destroyed during a debris flow event or other natural event resulting in a significant change in topography or alteration of drainage features (Exhibit E, 18ORD-00000-00006);
 - vi) Ordinance No. 4984 amending the Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code by adopting new regulations that implement the Gaviota Coast Plan (Case No. 13ORD-00000-00007);
 - vii) Ordinance No. 4985 amending the Coastal Zoning Ordinance of Chapter 35, Zoning, of the Santa Barbara County Code by (1) repealing and retiring the Gaviota Coast Rural Region Zoning Map, the North Gaviota Coast Rural Region Zoning Map, the Gaviota Coast Coastal Plan Zoning Overlay Map, and the Point Conception Coastal Plan Zoning Overlay Map, (2) amending the Lompoc Valley Rural Region Zoning Map, and (3) adopting new Gaviota Coast Plan Zoning Maps, new Gaviota Coast Plan Zoning Overlay Maps, and new Gaviota Coast Plan Environmentally Sensitive Habitat Overlay Maps that implement the Gaviota Coast Plan (Case No. 13RZN-00000-00003);
 - viii) Resolution No. 16-267 (Case No. 13GPA-00000-00007) amending the Coastal Land Use Plan by adopting new text and maps that implement the Gaviota Coast Plan; and
 - ix) Resolution No. 16-268 adopting the Gaviota Coast Plan Design Guidelines that implement the Gaviota Coast Plan.
- b) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission.
 - c) Find pursuant to Sections 15265 of the State CEQA Guidelines, that the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirements of CEQA because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

Summary Text:

With the exception of the State CEQA action set forth in Section 15265, the above actions constitute amendments to the Santa Barbara County's certified Local Coastal Program and, therefore, are required to be submitted to the California Coastal Commission for review and certification.

Cannabis Land Use Ordinance

The Cannabis Land Use Ordinance was adopted by the Board on February 27, 2018, and would regulate how, where, and how much cannabis and cannabis products may be cultivated, processed, manufactured,

tested, distributed, and sold in the unincorporated County of Santa Barbara, while protecting the environment, neighborhood character, and quality of life for people and communities. The ordinance categorizes cannabis operations into eight license types and permits, or prohibits each license type by zone. In addition to zoning regulations, the ordinance also establishes development standards to mitigate potential negative impacts from cannabis operations. All license types require applicants to obtain either a Coastal Development Permit or Conditional Use Permit, depending on license type (Exhibit A).

Cannabis Business License Ordinance

The Cannabis Business License Ordinance was adopted by the Board on May 1, 2018, and adds regulations to the County Code to establish a new cannabis business licensing program. The Cannabis Business License ordinance would: require business licenses (with the opportunity for annual renewal) for commercial cannabis activities; establish a retail license cap of eight licenses throughout the entire unincorporated area of the County; establish a complete outdoor cannabis cultivation ban in the Coastal Zone and an acreage limit of 186 acres in the Carpinteria Agricultural Overlay District; and establish a multi-departmental compliance team to process applications for, and renewals of, business licenses (Exhibit B).

O'Neil Residence Project

The O'Neil Residence Project was adopted by the Board on February 27, 2018, and the project would permit a new single family dwelling on a 0.10-acre coastal bluff top lot and includes a General Plan Amendment to change the land use designation of the property from Recreation/Open Space to Residential, 4.6 units/acre, and a Rezone to change the zoning of the property from REC to 7-R-1 (Exhibits C and D).

Like-for-Like Rebuild (Debris Flow) Ordinance

The Like-for-Like Rebuild (Debris Flow) Ordinance was adopted by the Board on May 15, 2018, and would amend the Coastal Zoning Ordinance to provide specific standards for the like-for-like replacement or restoration of a structure that was damaged or destroyed as a result of a debris flow event or other catastrophic event resulting in a significant change in topography or alteration of drainage features (Exhibit E).

Gaviota Coast Plan

The Gaviota Coast Plan was adopted by the Board on November 8, 2016, and would amend (1) the Coastal Zoning Ordinance by adopting new regulations, (2) amend existing zoning maps, (3) adopt new text and maps, and (4) adopt the Gaviota Coast Plan Design Guidelines. These actions implement the Gaviota Coast Plan (Exhibit F).

Submittal:

Staff prepared the attached resolution (Attachment 1) pursuant to the procedural requirements for Local Coastal Program (LCP) Amendments which are set forth in the Coastal Commission administrative regulations [Division 5.5 of Title 14, California Code of Regulations, Section 13551(b)(2)]. Following review by the Coastal Commission, the Board will have six months from the date of the Coastal Commission's action to evaluate any suggested modifications to the amendments approved by the Coastal Commission and decide whether or not to accept the modifications [Division 5.5 of Title 14, California Code of Regulations, Section 13537(b)].

If the Board decides to accept the modifications, then the Board must adopt a resolution agreeing to implement the LCP Amendments as modified. This resolution is then transmitted to the Executive

Director of the Coastal Commission who will review the resolution and recommend to the Coastal Commission whether the action of the Board complies with regulations of the Coastal Act and the California Code of Regulations. If the Executive Director recommends that the County's action is in compliance, and the Coastal Commission agrees with that recommendation, then the ordinances will become operative as of the date of that final action by the Coastal Commission.

Local governments may adopt and submit a maximum of three resolutions per calendar year transmitting major amendments to the certified LCP to the Coastal Commission for review and certification. However, there are no limitations on the number of amendments included in each of the three submittals. The LCP Amendments that are the subject of the attached resolution constitute Santa Barbara County's first submittal for 2018. The previous submittal of the Cannabis Land Use Ordinance Amendment to Article II was withdrawn to allow inclusion of the Business License Ordinance and the O'Neil rezone and Coastal Land Use Plan Amendment, in this first submittal.

On December 6, 2016, the Board adopted Resolution No. 16-275 to submit the Gaviota Coast Plan and associated amendments to Article II as a LCP Amendment to the California Coastal Commission for certification. The Coastal Commission assigned it LCP Amendment No. LCP-4-STB-16-0067-3. Pursuant to the Coastal Commission Administrative Regulations, the Coastal Commission must act on the LCP Amendment in June 2018. The purpose of the resubmittal of the LCP Amendment is to (1) provide the Board with additional time to review and comment on the Coastal Commission staff's suggested modifications to the Gaviota Coast Plan and associated amendments to Article II, (2) give the Coastal Commission and County staff additional time to work together to resolve outstanding issues and, to the extent possible, obviate the need for suggested modifications, and (3) reschedule the Coastal Commission hearing to July in the Central Coast area.

Fiscal Analysis

Funding for Coastal Commission Resolution submittal work effort is budgeted in the Planning & Development Department's Permitting Budget Program on page D-286 of the FY 2017/2018 budget.

Special Instructions:

The Clerk of the Board shall provide a copy of the executed Resolution and Board Minute Order(s) to Planning and Development, Attn.: Jessica Metzger.

Attachments:

1. Resolution Submitting Amendments to the California Coastal Commission
 - Exhibit A Ordinance No. 5028 Cannabis Land Use Ordinance
 - Exhibit B Ordinance No. 5037 Licensing of Commercial Cannabis Operations
 - Exhibit C Ordinance No. 5031 Summerland Community Plan Zoning Map Amendment
 - Exhibit D Resolution No. 18-45 Land Use Designation Amendment
 - Exhibit E Ordinance No. _____ Like-for-Like Rebuild (Debris Flow) Ordinance
 - Exhibit F Link to Gaviota Plan Documents
2. Notice of Exemption

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Authored by:

Jessica Metzger, Senior Planner, 805-568-3532

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