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## Legislation Details (With Text)

**File #:** 18-00149      **Version:** 1

**Type:** Agenda Item      **Status:** Passed

**File created:**      **In control:** BOARD OF SUPERVISORS

**On agenda:** 2/27/2018      **Final action:** 2/27/2018

**Title:** HEARING - Reconsider recommendations regarding Case Nos. 17ORD-00000-00004 and 17ORD-00000-00010, which the Board adopted on February 6, 2018, to amend, respectively, the County Land Use and Development Code (LUDC), and the Article II Coastal Zoning Ordinance (CZO), to establish regulations for cannabis, as follows: (EST. TIME: 30 MIN.)

- a) Make the required findings for approval for the Ordinance revisions, including California Environmental Quality Act (CEQA) findings, and determine that the Board previously adopted a statement of overriding considerations covering the entire Cannabis Land Use Ordinance and Licensing Program which remains in effect and requires no changes;
- b) Adopt an Ordinance (Case No. 17ORD-00000-00004) amending Section 35-1 of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code;
- c) Adopt an Ordinance (Case No. 17ORD-00000-00010) amending Section 35 of the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code;
- d) Determine for purposes of CEQA that:
  - i) Adoption of the Land Use and Development Code (Case No. 17ORD-00000-00004) is within the scope of the program approved earlier, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes the activity for the purposes of CEQA;
  - ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance’s significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received; and
  - iii) Adoption of the Coastal Zoning Ordinance, Case No. 17ORD-00000-00010, remains exempt from CEQA pursuant to CEQA Guidelines section 15265;
- e) Consider the adoption of a Resolution Transmitting Case No. 17ORD-00000-00010 (CZO) to the Coastal Commission, as follows:
  - i) Adopt a Resolution transmitting Case No. 17ORD-00000-00010 (CZO) to the Coastal Commission for certification by the California Coastal Commission as an amendment to Santa Barbara County’s certified Local Coastal Program;
  - ii) Find that transmittal of the Resolution 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 State CEQA Guidelines Section 15378(b)(5); and

iii) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**Sponsors:** PLANNING AND DEVELOPMENT DEPARTMENT

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Letter, 2. Attachment 1 - Findings, 3. Attachment 2A - LUDC, 4. Attachment 2B - LUDC, 5. Attachment 3A - CZO, 6. Attachment 3B - CZO, 7. Attachment 4 - DFPEIR link, 8. Attachment 5 - CEQA NOE, 9. Attachment 6 - Coastal Commission Resolution, 10. Attachment 7 - Feb 6th Link, 11. Public Comment - Brownstein Hyatt Farber Schreck, 12. Public Comment - Ag. Advisory Committee, 13. Public Comment - David Clary, 14. Public Comment - Lil Clary, 15. Public Comment - Allen, 16. Public Comment - City of Goleta, 17. Adopted Resolution, 18. Presentation

Date	Ver.	Action By	Action	Result
2/27/2018	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

HEARING - Reconsider recommendations regarding Case Nos. 17ORD-00000-00004 and 17ORD-00000-00010, which the Board adopted on February 6, 2018, to amend, respectively, the County Land Use and Development Code (LUDC), and the Article II Coastal Zoning Ordinance (CZO), to establish regulations for cannabis, as follows: (EST. TIME: 30 MIN.)

a) Make the required findings for approval for the Ordinance revisions, including California Environmental Quality Act (CEQA) findings, and determine that the Board previously adopted a statement of overriding considerations covering the entire Cannabis Land Use Ordinance and Licensing Program which remains in effect and requires no changes;

b) Adopt an Ordinance (Case No. 17ORD-00000-00004) amending Section 35-1 of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code;

c) Adopt an Ordinance (Case No. 17ORD-00000-00010) amending Section 35 of the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code;

d) Determine for purposes of CEQA that:

i) Adoption of the Land Use and Development Code (Case No. 17ORD-00000-00004) is within the scope of the program approved earlier, and the Cannabis Land Use Ordinance and Licensing Program Final Programmatic Environmental Impact Report (PEIR) [Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016] adequately describes the activity for the purposes of CEQA;

ii) Pursuant to CEQA Guidelines section 15162(a), after considering the PEIR certified by the Board of Supervisors on February 6, 2018, that no subsequent EIR or Negative Declaration is required because: i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the Ordinance is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the Ordinance's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received; and

iii) Adoption of the Coastal Zoning Ordinance, Case No. 17ORD-00000-00010, remains exempt from CEQA pursuant to CEQA Guidelines section 15265;

e) Consider the adoption of a Resolution Transmitting Case No. 17ORD-00000-00010 (CZO) to the Coastal Commission, as follows:

i) Adopt a Resolution transmitting Case No. 17ORD-00000-00010 (CZO) to the Coastal Commission for certification by the California Coastal Commission as an amendment to Santa Barbara County's certified Local Coastal Program;

ii) Find that transmittal of the Resolution 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 State CEQA Guidelines Section 15378(b)(5); and

iii) Direct the Planning and Development Department to transmit the adopted Resolution to the Executive Director of the Coastal Commission.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY